

Submission 1 - Individual

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [redacted]

Company organisation name and address: [redacted]

Contact phone number and email address: [redacted]

Confidentiality

Please keep my comments confidential: ☐ Yes
(reasons including identity of specific comments if applicable)

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

NA

Additional information

I am, or I represent, an organisation that is based in:

☒ New Zealand ☐ Australia ☐ Other (please specify):

I am, or I represent, the following category or categories: (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input checked="" type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other (please specify): | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

X ☐ Yes

☐ No

Please outline your reasons.

I would prefer the smaller quantities, as a way, perhaps, to further discourage consumption.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

X ☐ Yes

☐ No

Please outline your reasons.

I also suggest a minimum length to discourage "kiddie" cigarettes,

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

X ☐ Yes

☐ No

Please outline your reasons.

To stop inflation of package size

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

x ☐ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

x ☐ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

X☐ Yes

☐ No

Please outline your reasons below.

To discourage smaller packs.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☐ Yes

X☐ No

If yes, please provide detail below.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

X☐ Yes

☐ No

Please provide detail and reasons below.

Is anything else required to be in conformity with the WHO FCTC protocol to eliminate illicit trade?

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

X ☒ No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes

X ☒ No

Please provide detail and reasons below.

To prevent differentiation by perceived “quality” of country of manufacture.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

X ☐ Yes

☐ No

If yes, please provide detail below.

1. Warnings on the cigarettes themselves, eg, “years of life lost by smoking this cigarette” as shown by Professor Hoek to be of importance even to younger smokers.

2. The permitted brand variants should be limited to those on the market in New Zealand at the time the Bill was introduced in 2014 – to stop brand proliferation by the industry which may encourage many “more glamorous” brands.

3. There should be scope for regular revision of the pack warnings, especially warnings targeted towards vulnerable sub-groups of the population..

4. I see no reason why the warnings on the back of tobacco packs should be greater than 75% while for cigarette packs they should be greater than 90%. I suggest both should be greater than 90%

5. The information on quit services and cessation support need to be more prominent to ensure it is unmistakeable and relevant to all population groups

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

See comments above.

In addition:

I encourage the Ministry of Health to be bold in its regulations, and not just repeat the Australian experience. How about some ground breaking regulations, eg, on cigarette stick warnings?

I also encourage the Ministry to learn from the regulations of countries that have already followed Australia, eg, UK, Ireland and France.

Submission 2 – ASPIRE2025



Submission on the Smoke-free (Standardisation of Tobacco Packaging and Tobacco Products) Regulations

June 2016

University of Otago
[redacted]

University of Auckland
[redacted]

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ASPIRE2025

Submission on the Smoke-free (Standardisation of Tobacco Packaging and Tobacco Products) Regulations

Executive Summary

We congratulate the New Zealand Government for its commitment to expedite standardised packaging, which is a scientifically well-supported, logical, proportionate, and important step in preventing children and young people from experimenting with smoking and becoming addicted to nicotine. The research evidence on likely impact, tobacco industry documents, marketing theory, and findings from Australia, including the Australian Government's post-implementation review, all suggest that standardised packaging will help protect the health of New Zealanders. Standardised packaging is a pivotal measure that will help progress the Government's Smokefree Aotearoa/New Zealand 2025 Goal.

We comment on submission questions but also note New Zealand has an opportunity to develop unique regulations that set a new standard in best practice by incorporating new research findings. We submit that the standardised packaging regulations could be improved in seven key areas without raising substantial concerns about legislative challenges:

- stronger limits on the use of variant names,
- changes to the cigarette stick appearance;
- improved on-pack warnings;
- use of rigid containers for RYO tobacco;
- greater prominence of Quitline and cessation information;
- inclusion of inserts providing cessation information in all tobacco product packages, and
- prevention of product diversification, particularly innovations in capsule cigarettes.

We recommend:

1. Introducing further restrictions on variant names so no new variant names can be introduced to the market.
2. Requiring all cigarette sticks and rolling papers to be coloured Pantone shade 448C.
3. Developing a wider range of warning labels, ensuring these have high salience to different priority populations, and implementing a more rapid rotation cycle and on-going development of new warnings.
4. Requiring all RYO tobacco to be sold in rigid containers of specified sizes and dimensions.
5. Re-developing the format of Quitline and cessation information provided on tobacco packages so this has greater visual impact.
6. Including inserts that provide more detailed warning and cessation support information in all tobacco packages, and packages containing rolling papers and filters used to make roll-your-own cigarettes.
7. Disallowing capsule cigarettes, which recent research concludes have a particular appeal to young people.
8. Developing a comprehensive evaluation programme to assess the impact of standardised packaging.

In summary, proposed standardised packaging regulations represent **an important step towards preventing future harm from tobacco to New Zealand's children and young people. However, we have suggested how these regulations could be strengthened to align with current and emerging evidence and theory without creating significant additional risks of legal or WTO-related challenges by tobacco companies.**

Submitter Background

The ASPIRE2025 collaboration is a University of Otago Research Theme, recognised for its research excellence in tobacco control. ASPIRE2025 includes researchers from the University of Otago, Massey University, AUT University, and Whakauae Research for Māori Health and Development. Team members represent multiple disciplines, including marketing, public health, clinical medicine, Māori and Pacific health, and public policy. We have an extensive and longstanding interest in tobacco control research and in the last five years, we have published more than 100 peer-reviewed journal articles on tobacco control. Members have given invited keynote and plenary speeches on tobacco control to national and international audiences.

Our collaboration is the leading New Zealand source of research examining limits on tobacco marketing and we have undertaken numerous studies evaluating tobacco control policy measures. We have published five refereed journal articles on plain packaging, presented several papers at international conferences, organised a seminar about plain packaging with a leading international speaker, and received HRC funding to investigate plain packaging. Team members have attracted further funding to support tobacco control research from the Royal Society of New Zealand's Marsden Fund, the Health Research Council, Heart Foundation, Asthma Foundation and Cancer Society. We have provided expert advice on tobacco control to New Zealand Government Select Committees, international governments, and NGOs.

We provided detailed submissions in response to earlier consultations undertaken by the Ministry of Health and Health Select Committee and we refer the Ministry of Health to research outlined in these submissions.

This submission draws on knowledge gained through research and collaborations with leading international researchers. The arguments we advance do not necessarily represent official views held by the University of Otago, Massey University, AUT University, or the University of Auckland. To discuss this submission, please contact [redacted].

Introduction

Members of the ASPIRE2025 collaboration unanimously support the standardised packaging of tobacco products. Tobacco is a uniquely harmful consumer product responsible for the premature death of at least half its long-term users;^{1,2} no other legal consumer product causes such widespread harm when used as intended.³ Within New Zealand, smoking remains a leading cause of preventable morbidity and mortality, and of health inequalities; directly and indirectly, smoking causes between 4500 and 5000 deaths every year.^{4,5} Globally, tobacco use causes more than five million deaths each year.⁶

We congratulate the Government for recognising the enormous harm tobacco use causes to New Zealanders' health and economic well-being. The Government's decision to expedite the introduction of standardised packaging will bring important health benefits. We note that the Government's decision reflects very strong scientific evidence, particularly the evaluations published by Australian tobacco control researchers⁷⁻¹⁴ and the Australian Government's Post-Implementation Review of Tobacco Plain Packaging, published earlier this year.¹⁵ Findings from these studies emphatically refute arguments opposing standardised packaging and show it to be a proportionate and practical policy that is very likely to contribute to further reductions in smoking prevalence.

We appreciate the opportunity to comment on the draft regulations. We outline our responses to these and recommend additional evidence-based measures for inclusion in the final regulations. Adoption of our recommendations will:

- Maximise the impact of standardised packaging;
- Eliminate opportunities for tobacco companies to undermine the intent and effect of standardised packaging;
- Enhance the potential for packaging to prompt and support cessation attempts by ensuring it functions not as a recruitment decoy but as a cessation portal, and
- Apply the principles of standardised packaging to cigarette sticks – the ultimate objects of consumption.

We do not believe our suggestions will substantially increase the risk of litigation or WTO challenge.

Response to Consultation Questions 1-6: Size and quantities of tobacco products

1. We support the proposal that cigarette pack sizes are limited to either 20 or 25 cigarettes and that loose tobacco pouches are limited to either 30g or 50g. Specifying pack contents or weight and ensuring there is no opportunity to promote 'bonus' packs will prevent marketing tactics observed in Australia.
2. We support introducing minimum and maximum cigarette stick dimensions with respect to stick diameter and length. We note that the regulations specify only a maximum stick length (not a minimum length cf. section 20(c)) and recommend amending the regulations so these prescribe exact stick dimensions and eliminate any variation across cigarette brands.

We note the regulations do not apply to the rolling papers used to make cigarettes from loose tobacco and suggest the regulations include rolling papers and require these to meet standard dimensions. We also suggest that associated products, such as cigarette rolling papers and filters should be required to adopt standardised packaging, including pictorial warnings. We note that roll-your-own (RYO) tobacco is popular among young people¹⁶ and extending standardised packaging to all components used to make RYO cigarettes is consistent with the legislation's purpose of reducing smoking's appeal and deterring smoking initiation.

3. As noted in response to Question 2, we support standardised pack sizes but suggest these could be further enhanced by requiring all cigarettes to have the same length and diameter.
4. We recommend that sales of RYO tobacco in soft plastic should not be allowed; instead, we suggest making rigid containers of prescribed dimensions mandatory for all tobacco products. This package design will ensure that warning labels remain visible throughout the package life, and eliminate the risk that warning labels become obscured by folding, as occurs with the current soft plastic packaging.¹⁷ Recent PhD research drawing on data from the NZ arm of the International Tobacco Control study found that pictorial warning labels had less impact on RYO smokers than on smokers of tailor-made cigarettes. More specifically, RYO smokers were significantly less likely to read the warnings, think about the health risks of smoking, or forgo a cigarette as a result of exposure to health warnings.¹⁷ Rigid containers will help promote warning salience among the large group of RYO smokers in New Zealand.
5. We support proposals to standardise cigar packaging and limit the number of cigars that may be sold per package.
6. We support proposals to set a minimum package size for all tobacco products, including cigars. Such a move will ensure warnings have high visual impact.
7. We outline additional suggestions for standardising the shape and size of tobacco products and tobacco product packages in response to Question 12.

Response to Consultation Questions 8-11: Permitted markings on tobacco packages

8. We have no suggestions regarding additional anti-counterfeiting marks and suggest the Ministry of Health is guided by Australian regulators' advice.
9. Should the Ministry of Health require additional anti-counterfeiting marks, we strongly suggest they consult Australian regulators with respect to eliminating any potential for such marks to communicate to consumers.
10. We **do not** believe any additional marks are necessary on tobacco product packages to allow for automated manufacturing and packaging processes.

11. We **do not** support inclusion of country of manufacture information on tobacco products or packages. There is strong evidence that country of manufacture (or origin) information communicates marketing appeals to consumers.¹⁸ We believe allowing this information to be featured on packages would introduce variations that appeal differentially to consumers and undermine the intent of standardised packaging.

Additional suggestions

We have several suggestions that we believe would increase the effectiveness of standardising tobacco products and packaging.

1. First, we recommend that the regulations restrict the brand and variant names to those in use when the regulations were published (i.e., 31 May 2016). Australian evidence suggests tobacco companies increased the number of variant names featured on their brands following the implementation of plain packaging.¹⁹ Tobacco companies' use of more evocative variant names recreates connotations formerly associated with visual brand imagery and directly undermines the intent of standardised packaging. Our research shows that variant names function as marketing devices by helping to differentiate brands so these appeal to diverse groups of consumers.²⁰ Australian researchers have also concluded that variants: "are a potential means by which product differentiation can occur. In particular, having variants differing in perceived strength while not differing in deliveries of harmful ingredients is particularly problematic. Any packaging policy should take into account the possibility that variant descriptors can mislead smokers into making inappropriate product attributions" (p.58).²¹ Given the potential for variant names to be used to recreate marketing appeals, it is crucial that the regulations minimise this possibility.

We note that section 27 of the regulations restricts variant names to one line that is no longer than 35mm but suggest this important restriction does not prevent the introduction of new or more evocative variant names. Given the only reason why variant names would be introduced is to create a marketing appeal and point of differentiation, we strongly recommend that the regulations prevent the introduction of new variant names unless these were used prior to 31 May, 2016. This measure would not appropriate tobacco companies' intellectual property and would rely on the same principles that underpin standardised packaging.

2. We support the size of the proposed on-pack warnings set out in section 24 of the draft regulations. We recommend refreshing the warnings used so these feature more diverse themes and better reflect the heterogeneity of the smoker population. In particular, we recommend that warnings include themes such as (but not limited to) the social unattractiveness of smoking, tobacco industry denormalisation, and the effects of second hand smoke on children and companion animals.²² Recent New Zealand research suggests more diverse themes could elicit stronger responses from varied sub-groups of smokers.²²⁻²⁴

We further recommend that the regulations set out a regular programme to review warnings at least once every two years. Research evidence shows warning "wearout" occurs,²⁵ making regular review and refreshment of warnings imperative. We recommend that at least ten warnings are in effect at any one time, and that these are replaced with a different set of ten images every year. We recommend establishing a regular programme of warning development and review to ensure rapid translation of research evidence supporting new warnings. The regulations should allow the Ministry of Health to require new warnings on packs through a simple and straightforward regulatory

process (with minimal need for consultation and no requirement for additional legal amendments). We note this measure would not appropriate any intellectual property owned by tobacco companies.

3. We support regulations that will completely standardise the appearance of cigarette sticks. We note the regulations retain the current white stick with a white or imitation cork (tan) filter. White cigarette sticks create connotations of purity and cleanliness that are the antithesis of diseases caused directly by smoking and perpetuate myths that smoking is not as harmful as health authorities suggest.²⁶ Our research shows it is possible to greatly reduce the attractiveness of cigarettes and the likelihood they would be chosen by changing the stick appearance and colour.^{26 27} Our studies suggest unattractively coloured cigarettes could increase the dissonance smokers experience, and potentially trigger quit attempts. This measure could also reduce the likelihood intermittent smokers and susceptible non-smokers will experiment with smoking. Australian research examining elements of stick design has also concluded that attributes featured on sticks create important points of differentiation among young adults.²⁸ Given the extensive research undertaken by the Australian Government into pack colour, we strongly recommend that the regulations require all factory-made cigarettes and all rolling papers to match Pantone 448C.

We note that, as part of their draft plain packaging regulations, the Canadian Government is proposing a “Single unattractive colour for cigarette and other products that are rolled in cigarette paper (e.g. tobacco sticks, kreteks [clove cigarettes], tubes, rolling papers)”.²⁹ Adoption of this measure within New Zealand’s regulations would reflect international best practice, supported by nationally-based research. We note this measure would not appropriate any intellectual property owned by tobacco companies.

4. Standardised packaging featuring unattractive colours and larger warning labels will increase the dissonance many smokers experience, given the high levels of regret most have.³⁰ While tobacco packages currently have information about the Quitline service, these details are not visually salient and many smokers may overlook them. Our research shows that re-formatting this information made it significantly easier to read, more visually salient, and more likely than the control (status quo) to encourage smokers to consider quitting.³¹ We strongly recommend that one of the “two-format” designs (see Figure 1 for an example) reported on in our research is made mandatory for all tobacco packaging.³¹

We recommend that a post-implementation evaluation reviews the potential for including smart-phone readable QR codes on all tobacco packages; this code could provide a direct connection to the Quitline website. Again, we note that providing this information would not appropriate any intellectual property owned by tobacco companies.

Figure 1: Current and Re-formatted Quitline Information



5. Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers' self-efficacy. Recent research evaluating the impact of these inserts found that reading of inserts increased over time (as reading of on-pack warnings decreased). Further, more frequent reading of the inserts was associated with greater response efficacy (i.e., stronger perceived benefits of quitting) and greater risk perceptions). More frequent reading of the inserts was also associated with greater self-efficacy to quit, more quit attempts, and more sustained quit attempts.³² We therefore recommend the standardised packaging regulations require all tobacco packages to include inserts modelled on the Canadian regulations.²⁹
6. We recommend that RYO tobacco is available only in rigid cardboard containers of prescribed sizes, weights and dimensions. This form of packaging would increase the salience of health warnings, which may be obscured when the current soft plastic packaging is folded. Furthermore, this packaging would reduce the portability of RYO tobacco, and increased inconvenience may cue cessation attempts.
7. Tobacco companies have developed new product innovations, including capsule (or "crush") cigarettes that hold particular appeal to young people. These products have a flavour capsule within the stick filter; when squeezed, this capsule releases a flavour. Flavour capsules were first introduced in 2007, but all major international tobacco companies now have brand varieties with this design technology. Studies show these products have strongest appeal amongst young adults and adolescents.³³ In New Zealand, smoking prevalence peaks among 18-30 year olds³⁴ and late onset smoking initiation is a significant problem that threatens to undermine realisation of the smokefree 2025 goal.³⁵ If attractive products become more innovative and widely available in New Zealand, smoking uptake among this group could increase, and declines in prevalence among younger adolescents could be put at risk.

Australian plain packaging regulations mandate the appearance of cigarette sticks but do not preclude within-filter innovations, such as flavour capsules. Indeed, flavour capsules were introduced into Australia before plain packaging, and preference for this type of cigarette grew to approximately 3-4% in the two year period after implementation.³³ New Zealand regulations should prohibit capsule cigarettes design features, thus protecting young people from cues that promote smoking experimentation and the rapid addiction that typically follows.

We note that tobacco companies use filters to create distinctive attributes and recommend that New Zealand follow Canada's proposed regulations, which do not allow "distinctive filter colours or designs (e.g. grooves, hole or recess), where a filter is present".²⁹

8. We strongly recommend that the Ministry of Health put in place a multi-faceted evaluation to gauge plain packaging's effects on perceptions of smoking, impact of warnings, understanding of smoking's harms, and smoking behaviour. We recommend basing this evaluation on the detailed programme

of work undertaken by Australian researchers. Robust evaluations will help guide future New Zealand policy (e.g. with respect to the optimal refreshment period rate for new pictorial warnings) and help other countries currently progressing tobacco control policies.

9. Finally, we strongly recommend that the Ministry of Health treat with extreme scepticism any tobacco industry submissions (or those from tobacco industry collaborators allies) on the regulations. As per Article 5.3 of the Framework Convention – this industry has a “fundamental and irreconcilable” conflict with public health.

References

1. Doll R, Peto R, Boreham J, et al. Mortality in relation to smoking: 50 years' observations on male British doctors. *BMJ* 2004;**328**(7455):1519.
2. Banks E, Joshy G, Weber M, et al. Tobacco smoking and all-cause mortality in a large Australian cohort study: findings from a mature epidemic with current low smoking prevalence. *BMC medicine* 2015;**13**(1):38.
3. US Department of Health and Human Services. The health consequences of smoking: a report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health 2004;**62**.
4. Ministry of Health. *Tobacco Use in New Zealand: Key findings from the 2009 New Zealand Tobacco Use Survey*. Wellington: Ministry of Health, 2010.
5. Ministry of Health. Health Loss in New Zealand: A report from the New Zealand Burden of Diseases, Injuries and Risk Factors Study, 2006–2016. In: Ministry of Health, ed. Wellington: Ministry of Health,, 2013.
6. World Health Organization. WHO Report on the Global Tobacco Epidemic. Warning About the Dangers of Tobacco In: World Health Organization, ed. Geneva: : World Health Organization,, 2011.
7. Zacher M, Bayly M, Brennan E, et al. Personal pack display and active smoking at outdoor café strips: assessing the impact of plain packaging 1 year postimplementation. *Tobacco Control* 2015;**24**(Suppl 2):ii94-ii97.
8. White V, Williams T, Wakefield M. Has the introduction of plain packaging with larger graphic health warnings changed adolescents' perceptions of cigarette packs and brands? *Tobacco Control* 2015;**24**(Suppl 2):ii42-ii49.
9. White V, Williams T, Faulkner A, et al. Do larger graphic health warnings on standardised cigarette packs increase adolescents' cognitive processing of consumer health information and beliefs about smoking-related harms? *Tobacco Control* 2015;**24**(Suppl 2):ii50-ii57.
10. Wakefield M, Coomber K, Zacher M, et al. Australian adult smokers' responses to plain packaging with larger graphic health warnings 1 year after implementation: Results from a national cross-sectional tracking survey. *Tobacco Control* 2015;**24**(Suppl 2):ii17-ii25.
11. Scollo M, Zacher M, Coomber K, et al. Use of illicit tobacco following introduction of standardised packaging of tobacco products in Australia: results from a national cross-sectional survey. *Tobacco Control* 2015;**24**(Suppl 2):ii76-ii81.
12. Scollo M, Bayly M, Wakefield M. Plain packaging: a logical progression for tobacco control in one of the world's 'darkest markets'. *Tobacco Control* 2015;**24**(Suppl 2):ii3-ii8.
13. Durkin S, Brennan E, Coomber K, et al. Short-term changes in quitting-related cognitions and behaviours after the implementation of plain packaging with larger health warnings: Findings from a national cohort study with Australian adult smokers. *Tobacco Control* 2015;**24**(Suppl 2):ii26-ii32.
14. Brennan E, Durkin S, Coomber K, et al. Are quitting-related cognitions and behaviours predicted by proximal responses to plain packaging with larger health warnings? Findings from a national cohort study with Australian adult smokers. *Tobacco Control* 2015;**24**(Suppl 2):ii33-ii41.
15. Health AGDo. Post-Implementation Review of Tobacco Plain Packaging. Canberra, 2016.
16. Healey B, Edwards R, Hoek J. Youth Preferences for Roll-Your-Own Versus Factory-Made Cigarettes: Trends and Associations in Repeated National Surveys (2006-2013) and Implications for Policy. *Nicotine Tob Res* 2016;**18**(5):959-65.
17. Li JMC. The Effects of Tobacco Graphic Health Warnings on Smokers. University of Otago, 2015.

18. Piron F. Consumers' perceptions of the country-of-origin effect on purchasing intentions of (in) conspicuous products. *Journal of Consumer Marketing* 2000;**17**(4):308-21.
19. Scollo M, Occleston J, Bayly M, et al. Tobacco product developments coinciding with the implementation of plain packaging in Australia. *Tobacco Control* 2014;**24**(e1):tobaccocontrol-2013-051509.
20. Hoek J, Gendall P, Eckert C, et al. Effects of brand variants on smokers' choice behaviours and risk perceptions. *Tobacco Control* 2015;**25**(2):160-5.
21. Borland R, Savvas S. The effects of variant descriptors on the potential effectiveness of plain packaging. *Tobacco control* 2014;**23**(1):58-63.
22. Healey B, Hoek J. Young Adult Smokers' and Prior-Smokers' Evaluations of Novel Tobacco Warning Images. *Nicotine Tob Res* 2016;**18**(1):93-7.
23. Gendall P, Hoek J, Eckert C, et al. Evaluating the Emotional Impact of Dissuasive Images and Messages on Smokers and Non-Smokers. Australian and New Zealand Marketing Academy Conference. Christchurch, New Zealand, Under review.
24. Eckert C, Gendall P, Hoek J, et al. Are Social Warnings the New Frontier in Standardised Tobacco Packaging? Australian and New Zealand Marketing Academy Conference. Christchurch, New Zealand, Under review.
25. Borland R, Wilson N, Fong G, et al. Impact of graphic and text warnings on cigarette packs: Findings from four countries over five years. *Tobacco Control* 2009;**18**(5):358-64.
26. Hoek J, Robertson C. How do young adult female smokers interpret dissuasive cigarette sticks? A qualitative analysis. *Journal of Social Marketing* 2015;**5**(1).
27. Hoek J, Gendall P, Eckert C, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? *Tob Control* 2015.
28. Borland R, Savvas S. Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control* 2012;**21**:331-37.
29. Health Canada. Consultation on "Plain and Standardized Packaging" for Tobacco Products Ottawa: Health Canada; 2016 [Available from: <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/alt/tobacco-packages-emballages-produits-tabac-eng.pdf>].
30. Wilson N, Edwards R, Weerasekera D. High levels of smoker regret by ethnicity and socioeconomic status: national survey data. *New Zealand Medical Journal* 2009;**122**(1292):99-100.
31. Hoek J, Gendall P, Eckert C, et al. A comparison of on-pack Quitline information formats. *Tob Control* 2016;**25**(2):211-7.
32. Thrasher JF, Swayampakala K, Cummings KM, et al. Cigarette package inserts can promote efficacy beliefs and sustained smoking cessation attempts: A Longitudinal assessment of an innovative policy in Canada. *Preventive medicine* 2016;**88**:59-65.
33. Thrasher JF, Abad-Vivero EN, Moodie C, et al. Cigarette brands with flavour capsules in the filter: trends in use and brand perceptions among smokers in the USA, Mexico and Australia, 2012–2014. *Tobacco control* 2015:tobaccocontrol-2014-052064.
34. Ministry of Health. Tobacco Use 2012/13: New Zealand Health Survey. In: Ministry of Health, ed. Wellington: Ministry of Health,, 2014.
35. Edwards R, Peace J, Carter K, et al. An examination of smoking initiation rates by age: results from a large longitudinal study in New Zealand. *Australia and New Zealand Journal of Public Health* 2013;**37**(6):516-19

Submission 3 – Federation of Women’s Health Councils Aotearoa – New Zealand Inc.

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:	[redacted]
Company organisation name and address:	Federation of Women’s Health Councils Aotearoa – New Zealand Inc [redacted]
Contact phone number and email address:	[redacted]

Confidentiality

Please keep my comments confidential: ☐ Yes
(reasons including identity of specific comments if applicable)
This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

Declaration of any tobacco industry links or vested interests

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No tobacco company links – no interests to declare.

Additional information

I am, or I represent, an organisation that is based in:

☒ New Zealand ☐ Australia ☐ Other *(please specify)*:

I am, or I represent, the following category or categories: *(tick all that apply)*

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |

- ☐ Wholesaler or distributor
☐ Member of the public
☐ Other (*please specify*):

- ☐ Institution (eg, university, hospital)
☒ Non-governmental organisation

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Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

- ☒ Yes
☐ No

Please outline your reasons.

The Federation of Women's Health Councils (FWHC) supports the proposal to limit the number of cigarettes and the amount of loose tobacco. Generally the price per cigarette reduces as pack sizes increase. This has the effect of encouraging people to buy larger amounts of tobacco products.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

- ☒ Yes
☐ No

Please outline your reasons.

Setting the minimum and maximum length and diameter will ensure consistency of look for cigarettes. This will help to ensure that tobacco companies can not use the dimensions of cigarettes to differentiate their products from those of other tobacco companies.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

- ☒ Yes
☐ No

Please outline your reasons.

FWHC supports the proposed limits on pack dimensions and also number and size of cigarette sticks. This will help to ensure that tobacco packs look very similar to each other and remove the marketing advantage currently available.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☐ Yes
☒ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Soft plastic pouches can easily be folded and readily tucked into pockets or handbags. FWHC prefers that loose tobacco be sold in hard cardboard packaging (more similar to cigarette packs) to make it less easy to ignore that one is carrying tobacco product.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes
☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

FWHC supports the proposal to standardise cigar packaging and limit the number of cigars per pack. We prefer that sales of single cigars be prohibited.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes
☐ No

Please outline your reasons below.

Having a minimum packaging size will ensure there is sufficient space for the health warnings, images and Quitline information to be clearly visible.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes
☐ No

If yes, please provide detail below.

FWHC contends the regulations should also cover cigarillos, bidis and shisha to ensure these products are sold in similar standardised packaging to other tobacco products to provide consistency. Shisha is a product that young people may try and we would prefer that it is sold in standardised packaging in an attempt to reduce its appeal.

FWHC recommends that regulations consistent with those proposed for cigarettes, loose tobacco and cigars be specified for the packaging of cigarillos, bidis and shisha. This will ensure that all tobacco products available for sale in New Zealand have standardised packaging.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☐ Yes

☐ No

Please provide detail and reasons below.

No informed comment.

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

If any anti-counterfeiting marks are to be included in the regulations, they should not be able to be used in any way to identify or market the brand or variant name of the product or to make the packaging more attractive.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

☒ No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes

☒ No

Please provide detail and reasons below.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☒ Yes

☐ No

If yes, please provide detail below.

Regulation of cigarette sticks should go beyond restrictions on their dimensions and include printed health warnings and limit colours used. The use of unattractive colours and health warnings on the tobacco sticks as well as packs could further reduce the appeal of smoking to young people.

Tobacco companies will look for ways to make their particular products have a point of difference. Since standardised packs were introduced in Australia, tobacco companies have introduced evocative variant names with aspirational connotations. This is an attempt to undermine the dissuasive intent of standardised packaging. Research has shown that some descriptors significantly enhance the appeal of tobacco products¹.

FWHC recommends that Part 2 Section 27 of the proposed regulations be amended to prohibit variant descriptors. Brand variant 'names' should be limited to a single word (with a maximum number of say 7 letters) that does not imply a message of reduced risk or exposure or any other particular characteristic of the variant (e.g. 'light', 'mild' and 'low' and any other descriptors that convey messages of quality, taste, smell, satisfaction or effectiveness).

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

The Quitline information shown on the indicative images of standardised packs needs to be larger and easier to read than what is proposed. The Quit message needs to be loud and clear every time the smoker reaches out for more tobacco.

Research indicates that Improving Quitline information on standardised packs could reduce individual tobacco use, increase quit rates by prompting cessation attempts and be affirming for people who have decided to quit².

FWHC recommends that Quitline information be made larger and more eye-catching on standardised packs.

¹ Hoek, J., Gendall, P., Eckert, C., Kemper, J., & Louviere, J. (2015). Effects of brand variants on smokers' choice behaviours and risk perceptions. *Tobacco Control*. doi:10.1136/tobaccocontrol-2014-052094

² Hoek, J., Gendall, P., Eckert, C., Rolls, K., & Louviere, J. (2014). A comparison of on-pack Quitline information formats. *Tobacco Control*. doi:10.1136/tobaccocontrol-2014-051820

Submission 4 - Individual

Part one – Ministry template

Details

Name and designation: [redacted]

Company organisation
name and address: [redacted]

Contact phone number and
email address: [redacted]

Confidentiality

Please keep my comments confidential:
(reasons including identity of specific comments if applicable)

☐ Yes

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

I would prefer my contact details to be kept confidential but my comments can be released.

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Not applicable

Additional information

I am, or I represent, an organisation that is based in:

☐ New Zealand ☐ Australia ☐ Other (please specify):

I am, or I represent, the following category or categories: (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other (please specify): | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

☒ Yes

☐ No

Please outline your reasons.

Standardising the content of tobacco packages will contribute to the overall standardisation of tobacco products. It will prevent the marketing of single cigarettes or small cheaper packages which would give inappropriate price signals. It will also prevent large quantity packages that could also encourage excessive smoking.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes

☐ No

Please outline your reasons.

I support both a maximum and a minimum length. Standardising the dimensions of cigarette sticks will contribute to the overall standardisation of tobacco products. The Draft Regulations should specify a minimum length as well as a maximum length.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

☒ Yes

☐ No

Please outline your reasons.

Standardising the dimensions of tobacco packages will contribute to the overall standardisation of tobacco products.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☐ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Standardising the shape of loose tobacco packages will contribute to the overall standardisation of tobacco products. The proposed shape and material is currently the most common but there could be other options.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Standardising cigar packaging will contribute to the overall standardisation of tobacco products.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes

☐ No

Please outline your reasons below.

Standardising the minimum size of all tobacco packages will contribute to the overall standardisation of tobacco products.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes

☐ No

If yes, please provide detail below.

Please see recommended amendments to draft regulations 23(2)(b),(c),&(d) below.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☐ Yes

☐ No

Please provide detail and reasons below.

This is a matter on which guidance should be taken from tobacco manufacturers and packagers and overseas regulators.

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Please see recommendations below that the regulations specify: *'Must not convey any other information or meaning to the consumer.'*

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

☐ No

Please provide detail and reasons below.

This is a matter on which guidance should be taken from tobacco manufacturers and packagers and overseas regulators.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes

☒ No

Please provide detail and reasons below.

The only reason for outlining the country of manufacture is to somehow promote the product as being superior to other products because of where it comes from. This is counter to the intention of standardised packaging.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☒ Yes

☐ No

If yes, please provide detail below.

Please see recommendations below – especially those concerning the need for:

- an overarching prohibition on any markings, other than those provided for in the Act or Regulations
- prescribing a drab colour on the inner surfaces of tobacco packages
- prescribed a drab colour for tobacco sticks and filters
- restricting new brand names
- future proofing.

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

- Please see recommendations below – especially those relating to improving existing health warnings.

Part two – Clause by clause recommendations

1. Draft Regulation 3

The Draft Regulations provide for variations in standardised packaging in relation to: cigarettes and cigarette packs, loose tobacco, and cigars. The Smoke-free Environments Regulations 2007, in making provision for warning messages include ‘pipe tobacco’ as part of loose tobacco and they also set out a separate warning message regime for bidis and also for ‘Other tobacco products’. Bidis fit within the definition of cigars and because they are not common in New Zealand do not need a separate set of warning messages set out in the Regulations.

The categories that tobacco packages are placed in should be standardised and there should be a future proofing of the Regulations to take into account any new products that may not be cigarettes, cigars or loose tobacco.

Recommendations

1.1 The definition of a cigarette should be amended to:

Cigarette means

- (a) *A tobacco product comprising a roll of cut tobacco enclosed in paper, or*
- (b) *Any tobacco product that is not a cigar or loose tobacco.*

There should be a definition of loose tobacco stating:

Loose tobacco means tobacco that has not been enclosed in paper or tobacco leaf and includes ‘roll your own’ tobacco and pipe tobacco.

The definition of a cigar should be amended to:

Cigar means a tobacco product comprising a roll of tobacco leaf or cut tobacco, enclosed in tobacco leaf or the leaf of another plant, and includes bidis.

2. Part 1

Clause 10 of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill inserts a new section 31A into the Act which provides for the plain packaging of tobacco products. Apart from the

requirement that tobacco products ‘must be contained in a package’ all other plain packaging requirements are to be specified in Regulations.

While the Draft Regulations establish what **must** happen in relation to tobacco products and packages, they are deficient in that they leave some scope for tobacco products, while complying with the requirements, to include other non-standardised markings. For avoidance of doubt, the Regulations should unequivocally establish the principle that the only allowable markings are those set out in the Regulations. Such a provision would make Draft Regulation 12 unnecessary.

Recommendation

2.1 That a new Regulation is inserted in Part 1, before ‘Subpart 1 – Tobacco Products’ which provides that:

No tobacco product or package shall contain any marking or feature other than those provided for in the Act or in these Regulations.

3. Draft Regulation 9

Does the term ‘normal weighted regular font’ have a precise meaning? If not it should be defined to ensure that variations in letter spacing, thickness of letters etc. are standardised.

4. Draft Regulation 12A

The Draft Regulations do not define ‘outer surfaces’ and it could be unclear whether exposed glues and adhesives were part of the outer surface. Exposed coloured glues could be used on tobacco packages to introduce a point of difference.

Recommendation

4.1 That a new Regulation 12A is made specifying that

Glues and adhesives must not be visible on outer surfaces of tobacco packages.

5 Draft Regulation 12

This Regulation is unnecessary since Clause 11(2) of the Bill provides for tobacco packages to contain leaflets only if required by Regulations. Any doubt will be avoided by introducing the recommendation above that the Regulations provide that tobacco products and packages must not have any markings, or other features unless permitted in these Regulations.

Recommendation

5.1 That Draft Regulation 12 is deleted as unnecessary.

6 Draft Regulation 15

The outer surfaces of tobacco packages will be required to have health warnings with specific colouring requirements. For avoidance of doubt the requirement for a Matt Pantone 448C background colour should exclude regulated markings including pictorial warning messages.

The Draft Regulations make no reference to the required colour of the inner surfaces of tobacco packages leaving open the possibility that the inner surfaces may be brightly coloured in order to offset the effect of the required external colouring. In some overseas jurisdictions there is an option of the inner surfaces being Pantone 448C with a matt finish. New Zealand should adopt this as a requirement in order to ensure that the objectives of the plain packaging legislation are met.

Recommendation

6.1 That Draft Regulation 15 be amended to:

Any outer or inner surface of a tobacco package not required by these Regulations to have warnings or information messages, (other than the wrapper) must have only Matt Pantone 448C as a background colour.

7 Draft Regulation 16

Given the potential for tobacco companies to market tobacco products with flavourings, for example flavour capsules within the filter, which are designed to have appeal to young people - it will be important to future proof the regulations to prevent this development. Proposed new section 39A(1)(a) and the definition of 'appearance' in proposed new section 39A(5) allow this.

Recommendation

7.1 That Draft Regulation 16(1)(a) be amended to:

contain or make any scent or flavouring that could have the effect of promoting the product.

8 Draft Regulation 19

It will be important to be absolutely clear that tracking and tracing codes must not be used for any other purpose. The limitation on not conveying any other 'information' to the consumer does not go far enough. It may be possible to use words that imply pleasure, enjoyment or benefit which can be argued are not 'information' as such.

Recommendation

8.1 That Draft Regulation 19(2)(b) be amended to:

Must not convey any other information or meaning to the consumer

9 Draft Regulation 20(d)

The requirement for cigarette papers to be white does not support the proposed purpose of Part 2 of the Act which includes reducing the appeal of smoking and tobacco products, particularly for young people. There is no evidence that white cigarette sticks are dissuasive.

Given that a tenet of standardised packaging is to require the use of drab colours (in response to an extensive research base) in order to reduce the appeal of tobacco products and smoking, it is illogical for cigarette sticks to be white. White cigarettes have a clean and fresh image that helps disguise the toxic nature of cigarettes and gives them greater social desirability. In order to limit the positive social connotations of smoking in public, tobacco sticks, including filters, must be a drab colour such as Pantone 448C.

Further, if cigarettes were required to be a different colour, some of the concerns of the tobacco industry about illegally imported brands (cheap whites) would be allayed.

A quantitative analysis based on two focus groups and 13 in-depth interviews of how young adult female smokers interpret dissuasive cigarette sticks was conducted by the University of Otago. This study found that dissuasive sticks further reduced the appeal of smoking and would be likely to deter smoking initiation. In particular dissuasive sticks challenged connotations of cleanliness participants sought, exposed smoking as "dirty" and connoted stereotypes participants wanted to avoid³. More recent work by the University of Otago which tested these findings among a wider sample of smokers has found similar results⁴.

³ Journal of Social Marketing, Vol. 5 Iss 1 pp. 21 – 39

⁴ Hoek J, Gendall P, Eckert C, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? Tobacco Control 2015.

There are no compelling reasons why cigarette sticks must be white but there are strongly persuasive reasons for cigarette sticks to be a drab colour.

Recommendation

9.1 That Draft Regulation 20(d) be amended to:

Its enclosing paper, including any filter, must be coloured Pantone 448C.

10 Draft Regulations 19 and 21

Since Subparts 1 and 2 of Part 1 make a distinction between ‘Tobacco products’ and ‘Tobacco packages’ it would be more clear if the Draft Regulations were consistent in the use of these terms. Regulation 19 – which is part of ‘Subpart 2 - Tobacco packages’, refers to tracking a tracing of tobacco ‘products’ when regulating packages. Draft regulation 21 also refers to tracking a tracing of tobacco ‘products’ when regulating cigarettes.

Tracking and tracing codes must not convey any other information to the consumer (R19(2)(b) and R21(2)(f)). It will be important to be absolutely clear that tracking and tracing codes must not be used for any other purpose. The limitation on not conveying any other ‘information’ to the consumer does not go far enough. It may be possible to use words that imply pleasure, enjoyment or benefit which can be argued are not ‘information’ as such.

The meaning of the word ‘horizontally’ in Draft Regulation 21(2)(a) depends on the perceived orientation of the stick. Given Draft Regulation 21(2)(b) it is assumed that the intention is that the code is to appear parallel to the end that is not designed to be lit (i.e. around the circumference of the stick rather than between the end placed in the mouth and the end to be lit).

Recommendation

10.1 That Draft Regulation 19 be amended to:

19 Printed Code for tracking and tracing tobacco packages

(1) A tobacco package may have a printed code for the purposes of tracking and tracing.

10.2 That Draft Regulations 19(2)(b) and 21(2)(f) be amended to:

(must) not convey any other information or meaning to the consumer

10.3 That Draft Regulations 21(2)(a)&(b) be amended to:

(a) appear around the circumference of the stick parallel to, and within 10 mm of, the cigarette’s filter, or to one end of the cigarette where there is no filter; and

(b) not take up more than one line of alpha numeric text; and

11. Draft Regulation 22

The format of the number of cigarettes on a pack should be clarified to specify whether this is expressed in terms of a number (eg ‘20’) or whether the word ‘cigarettes’ may be included.

Recommendation

11.1 That Draft Regulation 22(2)(a) be amended to:

May appear as a two digit number on any surface of the pack on which there is a brand name or variant name; and

12 Draft Regulation 23(2)(b)

For avoidance of doubt, the term 'irregularities' should be clarified.

Recommendation

12.1 That Draft Regulation 23(2)(b) be amended to read:

Each surface must be flat with no irregularities (such as textures or embellishments).

13 Draft Regulation 23(2)(C)

For avoidance of doubt this Regulation should include reference to surfaces meeting at right angles.

Recommendation

13.1 That Draft Regulation 23(2)(c) be amended to read:

Each surface must meet the adjoining surface at right angles with rigid straight edges.

14 Draft Regulation 23(2)(d)

There is potential for the hinge at the back of the pack to operate in such a way as to obscure the regulated markings by placing the fold through the middle of the text. It should be a requirement that the hinge at the back does not cross a regulated marking.

Recommendation

14.1 That Draft Regulation 23(2)(d) be amended to read:

It must open and close only by way of a straight edged flip-top lid that is hinged at the back where the English and Te Reo warnings meet.

15 Draft Regulation 24 (b)

The need for 10% of the back of the pack to be left available for tobacco company markings has not been justified. The required warnings should take up 100% of the back of cigarette packets.

Recommendations

15.1 That Draft Regulation 24(b) be amended to read:

100 percent of the back of the pack

15.2 That Draft Regulation 18 (a) be amended to read:

May appear on the surface on which a barcode is located.

16. Draft Regulation 25

The linings of cigarette packets should not be glossy

Recommendation

16.1 That Draft Regulation 25(b) be amended to:

Fully coloured in Pantone 448C with a matt finish; and

17. Draft Regulation 27(1)

There is a concern that tobacco companies may use any flexibility in their ability to use a brand name to develop creative names to help market their products. Research shows that variant names can function as marketing devices by helping to differentiate brands in order to appeal to groups of consumers.^{5,6}

Recommendation

17.1 That Draft Regulation 27(1) have a new requirement that:

It must be a name that was used and reported to the Ministry of Health in tobacco returns prior to 31 May 2016.

18. Draft Regulation 27(1)(d) and 33(1)(d)

The placing of the brand and variant name should also be standardised.

Recommendation

18.1 That Draft Regulations 27(1)(d), 33(1)(d) and 28(1)(d) be amended to:

It must be no longer than 35 mm and placed centrally on the packet

19. Draft Regulation 29(i)

As for Draft Regulation 22, markings showing the contents of the package should be standardised.

Recommendation

19.1 That Draft Regulation 29(b)(i) be amended to:

As a two digit number followed by the letter 'g' on any surface of the pack on which there is a brand name; and

20. Draft Regulation 30(2)

For avoidance of doubt it should be specified that the tab must not only be transparent, but also not be coloured.

Recommendation

20.1 That Draft Regulation 30(2) be amended to:

The opening flap of as loose tobacco pack may be sealed by a re-sealable transparent and not coloured tab

21. Draft Regulation 26, 31 and 37

Unless there is some technical reason that barcode scanners are unable to read anything other than black, the option in R. 26(c)(i), 31(c)(i) and 37(2)(c)(i) should be deleted in the interests of standardisation.

Recommendation

21.1 That Draft Regulation 26(c), 31(c) and 37(2)(c) be amended to:

It must be coloured Pantone 448C on a Pantone Cool Gray 2C background

⁵ Hoek J, Gendall P, Eckert C, et al. Effects of brand variants on smokers' choice behaviours and risk perceptions. Tobacco Control 2015;25(1):160-5

⁶ Borland R, Savvas S. The effects of variant descriptors on the potential effectiveness of plain packaging. Tobacco Control 2014;23(1):58-63

22. Draft Regulation 36

As for Draft Regulations 22 and 29, the way in which the number of cigars in a pack is stated should be standardised.

Recommendation

22.1 That Draft Regulation 36(a) be amended to:

may appear on any surface of the cigar pack on which there is a brand name as a one or two digit number followed by the word 'cigar' or 'cigars'; and

23. Draft Regulation 40 (2)

Tracking and tracing codes must not convey any other information to the consumer. It will be important to be absolutely clear that tracking and tracing codes must not be used for any other purpose. The limitation on not conveying any other 'information' to the consumer does not go far enough. It may be possible to use words that imply pleasure, enjoyment or benefit which can be argued are not 'information' as such.

Recommendation

23.1 That Draft Regulation 40(2) be amended to:

...must not convey any information or meaning to the consumer....

24. Draft Regulation 41(5)

Since Draft Regulation 9 applies to all tobacco packages there is no reason for this Regulation to require conformity with it.

Recommendation

24.1 That Draft Regulation 41(5) be deleted.

25. Warning messages

Other than a small number of proposals to change the size of current warning messages, it appears that the Ministry is not engaging on the existing labelling requirements outlined in the Smoke-free Environments Regulations 2007. There are some hints that the images are to be changed – which is timely. There is also scope for updating the text of warning messages, and making a stronger call to action to quit.

The proposed legislation will widen the scope of warning messages and there should be consideration given to a much broader range of warnings. For example Polly Gillespie, a columnist for the New Zealand Herald, explains how she gave up smoking, not for health reasons, but because she saw that women over 40 who smoked looked older, drier, and dustier. She suggested in her article in the NZ Herald of 27 June 2016⁷ a range of warnings that she would find effective.

Hopefully there will be an opportunity in future to be consulted on the warnings.

Recommendation

25.1 That the Ministry publish its full proposals for required warnings on tobacco packages and engage in a public consultation on them.

⁷ http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11664080&ref=rss

Submission 5 – Te Awakairangi Health Network

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [redacted]

Company organisation name and address: Te Awakairangi Health Network

Contact phone number and email address: [redacted]

Confidentiality

Please keep my comments confidential:

(reasons including identity of specific comments if applicable)

☐ Yes

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

N/A

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Nil

Additional information

I am, or I represent, an organisation that is based in:

☒ New Zealand ☐ Australia ☐ Other *(please specify)*:

I am, or I represent, the following category or categories: *(tick all that apply)*

- | | |
|---|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |
| <input checked="" type="checkbox"/> Other <i>(please specify)</i> : Primary Health Organisation | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

☒ Yes

☐ No

Please outline your reasons.

Te Awakairangi Health Network (TeAHN) supports this proposal. We encourage specificity with clear limitations on pack size (20/25) and on loose tobacco (30g/50g) to ensure that there is no opportunity to use distinctive pack sizing such as 'bonus packs' as a marketing tool.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes

☐ No

Please outline your reasons.

TeAHN supports this proposal.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

☒ Yes

☐ No

Please outline your reasons.

TeAHN supports this proposal.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☐ Yes

☒ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

TeAHN recommend that instead, loose tobacco be sold in rigid containers of prescribed mandatory dimensions. This package design will ensure that warning labels remain visible throughout the package life, and eliminate the risk that warning labels become obscured by folding, as occurs with the current soft plastic packaging.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

This will ensure consistency across all cigar types and variants, and across all tobacco products.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes

☐ No

Please outline your reasons below.

Minimum sizing will ensure health warning messages and Quitline information has maximum exposure.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes

☐ No

If yes, please provide detail below.

See question 12.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☐ Yes

☒ No

Please provide detail and reasons below.

We have no other comments on anti-counterfeiting marks, other than needing to ensure they provide no form of marketing advantage on the full range of tobacco products.

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Should the Ministry of Health require additional anti-counterfeiting marks, TeAHN suggest they consult Australian regulators with respect to eliminating any potential for such marks to communicate to consumers.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

☒ No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes

☒ No

Please provide detail and reasons below.

To do so would potentially allow for introduction of alternative marketing of these products.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☒ Yes

☐ No

If yes, please provide detail below.

More prominent display of Quitline and cessation information

TeAHN supports the proposed *Aspire 2025* submission to implement the 'Two-Panel Label Format' below. The evidence⁸ shows that reformatting makes the Quitline information easier to read and more likely to encourage quitting.



New brands and brand variants

TeAHN recommend a restriction on the introduction of new brands or brand variants. The aim of this is to prevent the introduction of new brand names, as experienced in Australia when standardised packaging was introduced for example e.g. *Peter Jackson Gold* which was a variant with Gold packaging became *Peter Jackson Rich Gold*.⁹

Variants influence smokers' brand choices, and the greater the number of descriptor names used on a pack, the more attractive smokers perceive a pack to be³.

Health warning rotation: TeAHN recommends that the health warnings are refreshed (possibly every two years) to avoid warning "wearout" and that themes include (but are not limited to): the social unattractiveness of smoking and the effects of second hand smoke on children. The establishment of a regular refreshment programme would enable timely translation of research evidence into new warnings.

'Roll Your Own': Currently *Regulations* do not extend to separate filters and cigarette papers. TeAHN believes standardised packaging regulations should be inclusive of these products.

Filters: TeAHN recommend that 'within filter' product innovations such as flavour capsules should be prohibited. Evidence shows that these products have strongest appeal to young adults and adolescents. If these innovative products become more widely available in New Zealand smoking uptake among this group could increase.

⁸ Hoek J, Gendall P, Eckert C et al, *A comparison of on-pack Quitline information formats*. Tobacco Control 2014.

⁹ Scollo M et al, *Tobacco product developments coinciding with the implementation of plain packaging in Australia*. Tobacco Control 2014; 24 (e1):tobaccocontrol-2013-051509.

³ Hoek J and Gendall P. New Zealand Can Lead the World in Tobacco Control: Plain Packaging 2.0. University of Otago: ASPIRE 2025 Blog. <https://blogs.otago.ac.nz/pubhealthexpert/2016/03/10/new-zealand-can-lead-the-world-in-tobacco-control-plain-packaging-2-0/> Accessed 8 July 2016.

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

TeAHN strongly supports an evaluation programme to gauge plain packaging's effects on perceptions of smoking, impact of warnings, understanding of smoking's harms, and smoking behaviour. We recommend basing this evaluation on the detailed programme of work undertaken by Australian researchers.

Submission 6 – Regional Public Health

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [redacted]

Company organisation name and address: Regional Public Health

Contact phone number and email address: [redacted]

Confidentiality

Please keep my comments confidential:

(reasons including identity of specific comments if applicable)

☐ Yes

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

N/A

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Nil

Additional information

I am, or I represent, an organisation that is based in:

✓ New Zealand ☐ Australia ☐ Other *(please specify)*:

I am, or I represent, the following category or categories: *(tick all that apply)*

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | ✓ Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (e.g., university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |

☐ Other (please specify):

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

☒ Yes

☐ No

Please outline your reasons.

Regional Public Health supports this proposal. Specificity is strongly encouraged so as to assure tobacco manufacturer compliance. Specificity will:

- place clear limitations on the tobacco manufacturers on pack size (20/25) and on loose tobacco (30g/50g);
- curb the possible use of 'bonus packs' being attached to the main tobacco packet and/or package as occurred in the Australian market.

RPH would suggest, in alignment with the *Smokefree Nation 2025*, that a further limitation on pack size is instigated from the year 2020 to reduce consumer choice to **one pack size** and **one quantity of loose tobacco**. This limitation could be enabled within these draft regulations.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes

☐ No

Please outline your reasons.

Regional Public Health supports this proposal.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

☒ Yes

☐ No

Please outline your reasons.

Regional Public Health supports this proposal.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☐ Yes
☒ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Regional Public Health does not support this proposal. RPH would recommend the use of a solid 'hard-plastic' rectangular container that complies with:

- the standardised colour palette used on cigarette packs
- health warnings, Quitline information
- a specified minimum and maximum height, width and depth

RPH believes that utilising such a container will ensure a consistency across all tobacco product lines. Also a 'hard plastic' container will assist in the display of health warnings/images, 0800QUITLINE information, etc.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes
☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Regional Public Health supports the proposal to standardise cigar packaging.

Regarding the limitation on the number of cigars per pack RPH supports a ban on the sale of single cigars from the year 2020. Further more, as stated in our Q 1 response, RPH would also suggest that consumer choice is limited to **one specified pack size** from 2020.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes
☐ No

Please outline your reasons below.

Regional Public Health supports this proposal. This measure should be consistent with all other packaging associated with tobacco products.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes
☐ No

If yes, please provide detail below.

RPH would suggest that the Ministry of Health consider future proofing regulations. These would encompass other cessation delivery devices within a general provision that would outline requirements, such as the standardised colour palette used on tobacco packaging.

Cigarette cartons (Part 3) – While cartons are largely out of sight of the consumer RPH would recommend that specificity is required to encompass a standardisation regime on **all** packaging.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☒ Yes
☐ No

Please provide detail and reasons below.

Regional Public Health agrees that the Ministry of Health should be guided by both the Australian governments experience and considered best practice models that will assist. RPH strongly supports obligations to the *Framework Convention on Tobacco Control Protocol to Eliminate Illicit Trade in Tobacco Product*.

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Regional Public Health agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☒ Yes
☐ No

Please provide detail and reasons below.

Regional Public Health agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes
☒ No

Please provide detail and reasons below.

Regional Public Health supports the use of unique identification code (alphanumeric coding) that will determine the origin of the products. RPH agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☒ Yes
☐ No

If yes, please provide detail below.

Regional Public Health believes consideration for the following will have an impact on the effectiveness of standardised packaging.

Dissuasive cigarette sticks: The Ministry of Health is aware of the work undertaken by Professor Janet Hoek of Otago University on this ground-breaking work. RPH would like to strongly recommend that this approach is included as part of these draft *Regulations*.¹⁰ RPH views this as an opportunity for New Zealand to lead on standardised/plain packaging on the global stage.

Reformatting Quitline Information: RPH strongly supports the proposed *Aspire 2025* submission to implement the 'Two-Panel Label Format' below. As stated the evidence¹¹ asserts that this format will have a more pronounced visual impact on the consumer:



Brand variants: RPH supports a restriction on brand variants. As noted by Scollo et al¹², the use of evocative brand names e.g. *Peter Jackson Gold* which was a variant with Gold packaging became *Peter Jackson Rich Gold* and formerly blue packaged *Dunhill Distinct* became *Dunhill Distinct Blue*. Effectively the manufacturers are utilising an opportunity to continue marketing specific brands. RPH supports the suggestion by *Aspire 2025* that the introduction of new variants ceases from 31 May 2016.

Health warning rotation: RPH recommends that proposed *Regulations* state that a regime of reviewing health warnings is considered every two years. This is primarily to avoid consumer dissonance.

'Roll Your Own': Currently *Regulations* do not extend to separate filters and cigarette papers. RPH believes standardised packaging regulations should be inclusive of these products. If the use of dissuasive paper is excluded from the current submission round or in the future then this will be required regardless.

Filters: RPH would suggest specificity regarding the length and diameter of filters under *Regulations*. Innovations that involve 'within-filter' such as flavour capsules should be prohibited. The Australian experience saw an uptake of 3-4% with such innovations.¹³

¹⁰ Hoek J et al, *Dissuasive cigarette sticks: the next step in standardised ('plain') packaging?* <http://tobaccocontrol.bmj.com/content/early/2015/12/23/tobaccocontrol-2015-052533.abstract>, Tobacco Control doi: 10.1136/tobaccocontrol-2015-052533, 2015.

¹¹ Hoek J, Gendall P, Eckert C et al, *A comparison of on-pack Quitline information formats*. Tobacco Control 2014.

¹² Scollo M et al, *Tobacco product developments coinciding with the implementation of plain packaging in Australia*. Tobacco Control 2014; 24 (e1):tobaccocontrol-2013-051509.

¹³ Thrasher et al. *Cigarette brands with flavour capsules in the filter: trends in use and brand perceptions among smokers in the USA, Mexico and Australia, 2012-2014*. Tobacco Control 2015: tobaccocontrol-2014-052064.

Inserts: RPH does not support the draft *Regulations* Part I s12. The use of inserts is an opportunity to provide consumers with:

- detailed health information (cessation, health promotion)
- product content (ingredients, additives, nicotine levels)

RPH would assert that for such a harmful product there is a dearth of consumer information that highlights the direct and indirect harm. Having an enabling regulation that specifies the required information would provide a modicum of accountability on the manufacturers' part. Inserts have been introduced internationally, most notably in Canada where 26% to 31% of sampled had read the insert information that subsequently led to a quit attempt.¹⁴

Vending machines: RPH believes that the 'plain packaging' regime (prescribed colours) be extended to vending machines that can be seen from a place to which members of the public have access to - *Smoke-free Environments Act 1990* 'Labelling and health messages for tobacco products' Part 2, s.32 (3).

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

Evaluation: Regional Public Health strongly supports an evaluation programme based on the workplan undertaken by Australian researchers.

Size of health warnings: RPH supports a minimum benchmark of harmonisation with the Australian jurisdiction of 75% of the front and 90% of the back of the pack. Consideration to look to other jurisdictions that are leading on this e.g. Thailand with 85% coverage of back and front of packs.

Reo Pasifika: Consideration given to introducing health warnings in at least two of the largest Pasifika languages in response to the disproportionate level of harm caused from smoking amongst Pacific peoples in New Zealand.

Future proofing: Consideration should be given in the drafting of these *Regulations* to include other devices that contain nicotine.

¹⁴ Thrasher J F et al, *The use of Cigarette Package Inserts to Supplement Pictorial Health Warnings: An Evaluation of the Canadian Policy* <http://ntr.oxfordjournals.org/content/17/7/870>. 2014.

Submission 7 – Smokefree Coalition

To: standardisedtobacco@moh.govt.nz

NO we do not have any direct or indirect links to or vested interests in the Tobacco Industry

YES we give permission for our details to be released under the Official Information Act

Introduction:

Thank you for this opportunity to make a submission on standardised tobacco products and packaging draft regulations. The Smokefree Coalition is a united voice for action towards achieving the Smokefree 2025 Goal. It has over 50 organisational members representing a broad and diverse health care workforce committed to increasing successful cessation and increasing public support for greater tobacco control measures.

New Zealand has received global recognition for its innovative approaches and leadership in tobacco control. It was one of the first Nations to endorse the Framework Convention on Tobacco Control, and since 2011 has had government commitment to making the nation Smokefree by 2025. There has been significant progress toward this goal, with the introduction of targets throughout primary and secondary care, new funding toward piloting and evaluating innovative cessation programmes, new funding toward building evidence toward further tobacco control interventions, and legislation to ban tobacco within retail display, reduce duty-free quotas for entry of tobacco into the country, and annual tobacco excise tax increases.

But robust modelling of prevalence rates to 2025 indicate that all of the above efforts are still not enough to achieve the Smokefree 2025 goal. More must be done to de-normalise tobacco use by restricting supply and marketing activity, reducing visibility and de-normalising smoking.

Tobacco consumption remains a significant threat to public health. It adds to health inequalities as smoking prevalence remains higher in Maori, Pacific and low income groups. These groups bear a disproportional share of the impact that smoking has on health and longevity of life. Without innovations and a targeted approach to our tobacco control programme, inequities between Maori and non-Maori New Zealanders caused by tobacco use will continue, and the <5% prevalence goal of the nation will not be achieved for this priority population.

Legislating standardised packaging for tobacco has taken too long. We question the reasons given by our leaders for the delays: they imply the fiscal costs and risks of legislation the tobacco industry threaten to bring against government outweigh the health costs already brought to bear upon the public by their products. We argue that this influence that our leaders allow the industry to have upon their decision-making breaches article 5.3 of the Framework Convention on Tobacco Control.

We acknowledge and welcome this consultation on the regulations, however, taking place concurrently to the legislation, to pre-empt resistance from the retail and tobacco sectors which may have prolonged their implementation further.

Our answers are therefore brief and this submission is made more to show our full support to the researched and referenced answers of ASPIRE2025.

Sincerely,
[redacted]
[redacted]

[redacted]
[redacted]

Smokefree Coalition members also signing this petition:

[redacted]
[redacted]

[redacted]
[redacted]

[redacted]
[redacted]

[redacted]
[redacted]

Consultation questions

1. Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

Yes

Limitation of options assists in the prevention of brand variance, and so we support the proposal to limit the number of cigarettes in a pack to one quantity only, for both cigarettes and loose tobacco.

2. Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

Yes

Setting strict dimensions for cigarette sticks also assists in the prevention of brand variance: we recommend that government set **exact** dimensions for all cigarette sticks. Setting only minimum and maximum dimensions still allows for brand variance. We recommend also setting exact dimensions for Roll Your Own (RYO) papers and filters, and that this standardised packaging legislation applies to all tobacco's associated products.

3. Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

Yes

However we argue that minimum and maximum heights, widths and depths for cigarette packs is not good enough. We recommend **exact** height, width and depth of packs be specified in government regulations, so that no decision-making powers are left to the tobacco industry from which some brand variance might be sustained.

4. Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft-plastic?

No

If you do not agree, what alternatives do you suggest?

Soft-plastic packaging is not environmentally friendly material: its manufacturing processes create toxic waste and it does not decompose. Consumers can also fold the soft plastic packaging to compromise the long-term visibility of the health warning.

We recommend RYO packaging should be constructed from an environmentally friendly and rigid material, such as recycled cardboard, with exact dimensions as similar as possible to cigarette packs specified in these regulations. This recommendation serves multiple purposes of ensuring packaging has the least impact on the environment, keeping the most long-term salience of the pack warning, and reducing brand variance among tobacco products.

5. Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

Yes

6. Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

Yes

7. Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

Yes

We endorse the considered recommendations put forth in ASPIRE2025's submission:

- the regulations should prevent any introduction of new variant names of tobacco products not already in use at date of legislation
- the regulations should set out a regular (two year) programme to continually review and refresh pack warnings, so that research can support design of currently resonant themes for the diversity of existing customers
- the regulations should require all factory made cigarettes and all rolling papers to match Pantone448C
- the "two format" design spec provided by ASPIRE2025 to enhance the salience of the Quitline information should be adopted
- we support Canada's adoption of inserts to promote quitting within the package, and recommend New Zealand also adopts this further innovation for targeted health promotion
- we also support Canada's prohibition of distinctive filter colours or designs (eg. grooves, holes or recesses) where a filter is present, and recommend New Zealand's adoption of this further restriction in product design
- the Ministry of Health should set in place a regime for evaluating these regulations' impact on consumer behaviour, so that like Australia we produce supporting evidence to other nations that are preparing for plain packaging

8. Do the regulations need to allow for any other anti-counterfeiting marks?

We have no suggestions regarding anti-counterfeiting and simply recommend New Zealand stays consistent with Australian regulators' advice on the matter.

9. If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intentions of standardised packaging?

Please provide detail below.

We strongly recommend submissions from tobacco industry are treated with extreme scepticism when they suggest extra markings to be permitted for anti-counterfeiting purposes. Permitting their suggestions or providing them with room to determine markings is opening a new door toward continuing a form of brand variance. The tobacco industry itself has been found in various places around the world, to be active and/or complicit in illicit trade of tobacco products. The motivation is to undermine strong tobacco excise tax regimes using trade circuits between nations: their advice on controlling counterfeiting will have the same motivations and is therefore compromised and not to be trusted.

10. Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

No

11. Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

No

The country of manufacture is a form of variance which would certainly add value or detract value for customers and is therefore a relevant resource to manufacturers for the creation of brand power. We do not support the country of manufacture to be printed anywhere on tobacco products or packages.

12. Are there any additional features within the scope of the regulation-making powers in the Smokefree Environments (tobacco standardised packaging) Amendment bill that might increase the effectiveness of standardising tobacco products and packaging? If so what is the rationale and can you provide supporting evidence?

Yes

Funding has been cut for mass media marketing - of the Smokefree 2025 Goal in general and quitting in particular - and this absence of health promotion undermines the impact of all tobacco control measures. We propose that the evaluation programme introduced to ongoingly measure the impact of the packaging regulations upon the salience of health warnings on packs (see our recommendation in Question 7) includes their routine testing of health warning themes for the New Zealand consumer via mass media marketing.

Involving mass media marketing within a research agenda for maintaining highest performing health warnings on packs is an excellent strategy to ensure salience and heighten each message's reach on New Zealand audience. The added value mass media marketing outcomes has in providing evidence to establishing health warnings on packs with greatest impact on consumers, may ensure that this necessary measure, which should be funded and would have great impact in its own right, is given greater precedence by our government in future.

Submission 8 – Active West Coast

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:	[redacted]
Company organisation name and address:	Active West Coast C/- PO Box 443 Greymouth, 7805
Contact phone number and email address:	[redacted]

Confidentiality

Please keep my comments confidential: ☐ Yes
(reasons including identity of specific comments if applicable)

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

AWC has no tobacco links

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Additional information

I am, or I represent, an organisation that is based in:

☒ New Zealand ☐ Australia ☐ Other (please specify):

I am, or I represent, the following category or categories: (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |

☒ Other (please specify):

Active West Coast (AWC) is a network of agencies and groups committed to improving the health of West Coasters through the promotion of healthy lifestyles focusing on areas such as physical activity, nutrition, smokefree, youth and older person's health.

AWC has made submissions to previous Bills and Inquiries regarding Tobacco Control as a means to building healthy public policy that will have a positive impact on the people of Te Tai o Poutini / The West Coast. We are grateful for the opportunity to submit to this proposal.

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

☒ Yes
☐ No

Please outline your reasons.

AWC supports limiting the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams and 50 grams. As the consultation document states these are the most common quantities currently sold therefore there will not be a noticeable change for most current smokers. We also believe this will prevent marketing tactics that may encourage higher consumption.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes
☐ No

Please outline your reasons.

Standardising dimensions will ensure consistency across all cigarette brands and will prevent tobacco companies from using variations in length and diameter to differentiate and market their products.

AWC would ideally like to see one specified size of cigarettes to absolutely prevent even small differentiations from becoming a marketing tool.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

☒ Yes

☐ No

Please outline your reasons.

AWC agrees with the proposed dimensions for cigarette packs to accommodate the standardised dimensions and number of cigarettes contained within the package.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

Unsure

Please outline your reasons. If you do not agree, what alternatives do you suggest?

AWC agrees that loose tobacco should only be available in one type of package as this would ensure consistency of packaging. However we are unsure whether this should be soft plastic pouches or some other type of container.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

AWC supports the proposal to standardise cigar packaging and limit the number of cigars that may be sold in a pack. However we would like to see the sale of single cigars banned as single product sales has potential to increase uptake and/or consumption.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes

☐ No

Please outline your reasons below.

Minimum sizes of packaging will ensure that health related messages and warnings are clearly visible.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes

☐ No

If yes, please provide detail below.

AWC would like to see all tobacco products sold in New Zealand included under these regulations to ensure consistency of packaging and therefore messaging to current and/or potential users.

The proposed regulations do not cover products such shisha however this is available for sale in New Zealand.

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☐ Yes
☒ No

Please provide detail and reasons below.

As the consultation document outlines there has been no evidence that illicit trade in counterfeit tobacco products has increased in Australia as a result of standardised packaging. We note the regulations allow for the use of alphanumeric codes on legal products to assist in detecting counterfeit products. If the Tobacco Industry is concerned that counterfeit tobacco products will become more common it may be prudent to insist that the tracking devices are compulsory within the regulations.

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes
☒ No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes
☒ No

Please provide detail and reasons below.

AWC believes the provision of the manufacturer's name and contact details should be sufficient information for the consumer of tobacco products. Including the country of manufacture on a cigar may be used as a marketing tool by the Tobacco Industry.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☒ Yes

☐ No

If yes, please provide detail below.

AWC is aware that cigarette stick design influences tobacco appeal. Including printed warnings such as 'minutes of life lost' on the stick may reduce uptake and assist long-time users to quit (Hoek et al (2015).

Additionally we would like to see the filter tip restricted to a more unattractive colour as there is evidence that cork-patterned tipping is associated with the appeal and quality of the cigarette (Borland, R., Savvas, S. 2013) while a white tip is associated with least harm (O'Connor. RJ et al (2015).

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

Borland, R., Savvas, S. (2013). Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control*. 2013 Sep;22(5):331-7. doi:10.1136/tobaccocontrol-2011-050199.

Hoek, J., Gendall, P., Eckert, C. & Louviere, J (2015). Dissuasive cigarette stick: the next step in standardised ('plain') packaging? *Tobacco Control*. doi:10.1136/tobaccocontrol-2015-052533.

O'Connor, RJ., Bansal-Travers M., Cummings, KM., Hammond, D., Thrasher, JF., Tworek C. (2015). Filter presence and tipping paper color influence consumer perceptions of cigarettes. *BMC Public Health*. 2015 Dec 22; 15:1279. doi: 10.1186/s12889-015-2643-z.

Submission 9 - Individual

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [redacted]

Company organisation name and address: [redacted]

Contact phone number and email address: [redacted]

Confidentiality

Please keep my comments confidential:
(reasons including identity of specific comments if applicable)

☐ Yes

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Additional information

I am, or I represent, an organisation that is based in:

☐ New Zealand ☐ Australia ☐ Other (please specify):

I am, or I represent, the following category or categories: (tick all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other (please specify): [redacted] | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

☒ Yes

☐ No

Please outline your reasons.

Less is better

We need to actively attempt to reduce the number of cigarettes that smokers are having on a daily basis, to improve health outcomes and ultimately reduce the incidence of health conditions complications

Reducing pack size may reduce the number of cigarettes smoked and may help with cessation. If more cigarettes are available more will be smoked

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes

☐ No

Please outline your reasons.

Less is better

As above; reducing the amount of tobacco used, will led to beneficial health outcomes for individuals, whanau and the wider community

Longer cigarettes give the smoker an impression that they must smoke more, therefore feeding the addict more

Longer cigarettes are more attractive to teenagers whom often share cigarettes. The longer cigarette gives the impression of more puffs per person.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

☒ Yes

☐ No

Please outline your reasons.

Again, less is better

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Boxes, containers or tins received with loose tobacco appears as a reward or bonus gift
No additional resources or "rewards" should be given to encourage the purchase of any brand, or encourage purchasing of products

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

I also feel that more education is needed relating to the health risks of cigars
I feel that there is a lot of education/adverts relating to tailor-made cigarettes and health risks. However, I would like to see more education focusing on cigars and roll your own tobacco
As a nurse I have had comments such as: "I don't smoke" but still they are having 3 cigars per day; "But I don't inhale so it ok" even though they were having 5+ cigars per day

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☐ Yes

☒ No

Please outline your reasons below.

Smaller/less is better

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes

☐ No

If yes, please provide detail below.

Size: Smaller packs will prevent people sharing their cigarettes; ie. Giving a few away at a party. This may also help parents to notice when their teenagers/children are stealing their cigarettes

Amount of tobacco: Limiting the number of cigarettes we can buy on one visit. ie. Only 1 packet to be purchased at a time

Permitted markings on tobacco packages

- 8 Do the regulations need to allow for any other anti-counterfeiting marks?

☒ Yes

☐ No

Please provide detail and reasons below.

To prevent black market type products and additives

- 9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Maybe an invisible symbol detected under a ? blue light, or equal product

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

☒ No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☒ Yes

☐ No

Please provide detail and reasons below.

May help to show consumers where their money is going and who's benefitting. As a lot of smokers believe the New Zealand Government is benefitting greatly from cigarettes taxes and sales

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

☐ Yes

☒ No

If yes, please provide detail below.

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

Submission 10 – Heart Foundation

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [redacted]

Company organisation name and address:

The Heart Foundation, 105 Queen Street, Palmerston North

Contact phone number and email address:

[redacted]

Confidentiality

Please keep my comments confidential:
(reasons including identity of specific comments if applicable)

✓ No

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

No we do not have any direct or indirect links or vested interests in the Tobacco Industry

Additional information

I am, or I represent, an organisation that is based in:

✓ New Zealand ☐ Australia ☐ Other (please specify):

I am, or I represent, the following category or categories: (tick all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | ✓ Non-governmental organisation |

☐ Other (please specify):

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Introduction

Thank you for the opportunity to make a submission on standardised tobacco products and packaging draft regulations. Smoking is one of the biggest risk factors for cardiovascular disease, which is why the Heart Foundation supports the standardisation of tobacco products and packaging.

Cardiovascular disease (heart disease, stroke, vascular disease) is the leading cause of death in New Zealand, accounting for 33 percent of all deaths. Reducing tobacco consumption is the most effective way of reducing this toll. Smokers are almost twice as likely to have a heart attack compared to people who have never smoked. Nearly 35 percent of the deaths caused by smoking are due to heart and blood vessel disease. Smoking is associated with increased risk of heart attack, stroke, peripheral vascular disease and aortic aneurysm.

In addition, evidence clearly shows the negative impact of smoking on maternal and child health. Smoking remains one of the most important modifiable risk behaviours for the long-term health of children.

The Heart Foundation fully supports the submission by ASPIRE 2025.

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

✓Yes

☐ No

Please outline your reasons.

A standard amount of tobacco will limit attempts for tobacco products to differentiate themselves, or appear to offer 'added value'. There are examples of tobacco packs that offer non-standard amounts 25+1 (26 total cigarettes) purely for marketing reasons.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

√Yes

☐ No

Please outline your reasons.

Sticks should be of a uniform length and diameter. This will prevent manufacturers from creating brand variance or the perception of a superior, more attractive product. An example of how brand variance has been created by altering the length and diameter of cigarettes is the manufacturing and marketing of slims, which are presented as attractive to female smokers.

We also suggest that the rolling papers used to make cigarettes from loose tobacco should meet standardised packaging dimensions. Manufacturers should also be required to adopt standardised packaging regulations – including pictorial warnings – for papers, filters and all other associated products.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

√Yes

☐ No

Please outline your reasons.

We support standardised pack sizes, and believe these could be enhanced further by requiring all cigarettes to be of the same width and diameter. As with the cigarette sticks themselves, the height, width and depth of the pack provides a negative opportunity to create brand variance.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

☐ Yes

√No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Soft plastic packaging can be folded in a way that hides the health warnings.

We recommend that loose tobacco packaging is constructed from a rigid material with prescribed dimensions mandatory for all tobacco products. This will ensure warning labels are visible throughout the packet's life and that warning labels cannot be obscured.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

☒ Yes

☐ No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Cigar smoking can be as damaging to our health as cigarette smoking. The standardised pack policy must apply to all tobacco products.

- 6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

☒ Yes

☐ No

Please outline your reasons below.

- 7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

☒ Yes

☐ No

If yes, please provide detail below.

We support the recommendations put forward in ASPIRE 2025's submission.

- The regulations should prevent any introduction of new variant names on tobacco products not already in use at date of legislation.
- The regulations should set out a regular (two year) programme to continually review and refresh pack warnings, so research can support design of currently resonant themes for the diversity of existing customers.
- The regulations should require all factory-made cigarettes and all rolling papers to match the Pantone448C.
- The 'two format' design spec provided by ASPIRE 2025 to enhance the salience of the Quitline information should be adopted.
- We support Canada's adoption of inserts to promote quitting within the package, and recommend New Zealand adopts this innovation.
- We also support Canada's prohibition of distinctive filter colours or designs (e.g. grooves, holes or recesses) where a filter is present, and recommend New Zealand adopts this restriction in product design.
- We encourage the Ministry of Health to put in place a multi-faceted evaluation to evaluate the effects of standardised packaging, similar to the evaluation programme undertaken in Australia. Robust evaluation will help shape future New Zealand policy and assist other countries implementing standardised packaging.

The Heart Foundation also supports the following recommendations from Kylie Lindorff, of the Cancer Council Victoria:

- Stipulate the inner surface be 'drab dark brown'
- Stop variant names becoming incorporated into brand names
- Stop colours being used as part of brand or variant name
- Stop evocative brand names

Permitted markings on tobacco packages

8 Do the regulations need to allow for any other anti-counterfeiting marks?

☐ Yes

✓No

Please provide detail and reasons below.

Counterfeit cigarettes have not been an issue in Australia since the introduction of standardised packaging. We suggest the Ministry of Health is guided by the Australian regulator's advice.

Source: KPMG LLP Illicit tobacco in Australia, Nov 2014, half year report, page 40

9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Should the Ministry of Health require additional counterfeiting marks, we suggest that Ministry consults the Australian regulators to ensure any marks are not used to create brand variance.

- 10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

☐ Yes

√No

Please provide detail and reasons below.

- 11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

☐ Yes

√No

Please provide detail and reasons below.

Evidence shows the country of manufacture or origin information communicates marketing appeals to consumers. Featuring the country of origin on packets therefore undermines the intention of standardised packaging.

Additional features to increase the effectiveness of standardised packaging

- 12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

√Yes

☐ No

If yes, please provide detail below.

'Dissuasive sticks', which have specific unappealing colour characteristics could be introduced to enhance the effect of standardised packaging.

Source: Dissuasive cigarette sticks: the next step in standardised ('plain') packaging?

J Hoek, P Gendall, C Eckert, J Louviere - Tobacco control, 2015 - tobaccocontrol.bmj.com

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.