

Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:

[REDACTED]

[REDACTED]

Community & Public Health

Canterbury District Health Board

Company organisation name and address:

Canterbury District Health Board

Community and Public Health, PO Box 1475, Christchurch 8140.

Contact phone number and email address:

[REDACTED]

[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.

Nothing 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 |
| <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 (please specify): District Health Board | |

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.

Removing the availability of larger packs may encourage a reduction in 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.

This will ensure that the shape of cigarette sticks cannot be adjusted in an attempt to make them more attractive or use them as 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.

It is important that all cigarette packs are the same in order to achieve the purpose of standardised packaging.

- 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?

This will ensure that all loose tobacco packs are standardised and that their packaging cannot be used as a marketing tool.

- 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 that all cigar packs are standardised and that their packaging cannot be used as a marketing tool. Limiting the number of cigars that may be sold in a pack may encourage a reduction in 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 packaging size will ensure the health warnings, images and Quitline information 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.

The CDHB notes that some tobacco products are not specifically mentioned in the proposed regulations. The omission of cigarillos, bidis and shisha leaves a large gap that would undermine standardised packaging.

CDHB Smokefree Enforcement Officers have noticed an increase in the popularity of shisha and are concerned that people would assume it to be a safer product if its packaging is not regulated in the same way as other tobacco products.

The CDHB 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.

- 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.

Anti-counterfeiting marks should be regulated to ensure they are a similar unattractive colour to that proposed for the packaging. They should not feature the brand name or variant name of the product. It is important to ensure that the anti-counterfeiting marks cannot be made attractive in any way or used as a marketing tool to set them apart from other products.

- 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.

The CDHB recommends that the regulations prohibit barcodes that are shaped or coloured or textured in any way to convey or represent or suggest any additional information. Barcodes should not be permitted to include brand or variant names or any images. They should not carry any hidden readable, electronically or otherwise, information or advertising. For example, hidden QR codes or other embedded digital information which might be used to link to a website that could potentially be used for advertising and/or promotional offers.

- 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 so that they can be used as another tool to dissuade smoking. Research has shown that cigarette sticks with printed health warnings or unattractive colours could enhance the effects of plain packaging and further reduce the appeal of smoking to young peopleⁱ.

The CDHB recommends that Part 2 Section 20 of the proposed regulations be amended to include requirements for dissuasive messaging and colours. One simple bold font printed health warning should be mandatory on each individual cigarette stick.

Since the introduction of standardised packs in Australia, tobacco companies have introduced evocative variant names with aspirational connotations that aim to undermine plain packaging's dissuasive intent. Research has shown that some descriptors significantly enhance the appeal of tobacco productsⁱⁱ.

The CDHB recommends that Part 2 Section 27 of the proposed regulations be amended to prohibit variant descriptors. Instead, brand variant names should be limited to a single word that does not take the form of an explicit or implicit description that conveys any messages of reduced risk or exposure or any other particular characteristic of the variant (such as, terms like 'light', 'mild' and 'low' and any other descriptors that convey messages of quality, taste, smell or 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 CDHB notes that the Quitline information shown on the indicative images of standardised packs is small and inconspicuous. Research suggests that tobacco plain packaging would be enhanced by clearer and more visually striking Quitline information. Improving Quitline information on standardised packs could be affirming for people who have decided to quit and increase quit rates by prompting quit attempts and the use of cessation supportⁱⁱⁱ.

The CDHB recommends that Quitline information be enhanced on standardised packs.

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

ⁱⁱ 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

ⁱⁱⁱ 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

to the Ministry of Health on the

Standardised Tobacco Products and Packaging Draft Regulations

Submission on behalf of:

Contact name: [REDACTED]	Group: Patu Puaauhi Tai Tokerau
Email: [REDACTED]	Title/position: [REDACTED]
Phone (day): [REDACTED]	Phone (alternative):
Postal address: Private Bag 9742 WHANGAREI	
Postcode:	

21 June 2016

Plain Pack Consultation
(standardisedtobacco@moh.govt.nz)
Tobacco Control Programme
Ministry of Health
PO Box 5013
WELLINGTON 6140

Introduction

This submission is on behalf of Patu Puaauhi Tai Tokerau a group of organisations working within the Tobacco Control sector in Northland. Member organisations include; Ngati Hine Health Trust, Te Hiku Hauora, Hokianga Health Enterprise Trust, Te Ha Oranga – Ngati Whatua, Cancer Society Northland, Northland DHB, Manaia Health PHO, Whangaroa Health Trust and other community groups.

Patu Puaauhi was established to be a united voice for Northland and to think and work regionally together to promote Auahi kore/Smokefree within the communities of Tai Tokerau.

Background

Nicotine makes tobacco products highly addictive, and young smokers can show signs of addiction after only one cigarette.

Northland experiences a higher burden from smoking than the rest of New Zealand. 19% of people in Northland aged 15 years and over smoke regularly, compared to 15% nationally. Northland Māori daily smoking prevalence is 34%, compared to 32.7% nationally.ⁱ

Smoking in Northland is related to 25% of all deaths (47% of all Māori deaths, and 18% of non-Māori deaths). Smoking related hospitalisations in Northland (1,161 per 100,000 hospitalisations) are 1.5 times higher than the national rate.²ⁱⁱ

The Case for Standardised Tobacco Products and Packaging

We welcome the Prime Ministers recent announcement that the government intends to progress plain packaging legislation and we recommend this is made an urgent legislative priority.

Tobacco packaging provides a direct channel for the tobacco industry to communicate to customers. Tobacco packaging provides a direct channel for the tobacco industry to communicate with customers; as other media have become restricted, pack design has become a key promotional tool. Package design, logos and colouring frame consumers' perception of tobacco brands. For many years, tobacco companies have created strong brand identities using brand imagery that appeals to different segments of smokersⁱⁱⁱ. The tobacco industry continues to expand the boundaries of package design through innovations in printing technology, package shape, and wrappings.^{iv}

We support the Standardised Tobacco Products and Packaging Draft Regulations because:

- It will reduce the appeal of tobacco products to children, and discourage them from taking up smoking
- It will enhance the impact of graphic health warnings that prompt quit attempts

- It is an important step in New Zealand becoming smokefree by 2025.

Size and quantities of tobacco products

- 1 We support the proposal 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.

Specifying a limit on the number of cigarettes and weight of tobacco will prevent marketing tactics, such as the use of “bonus” packs to create an “added value” offer, as has been observed in Australia.

- 2 We support the proposal to restrict the dimensions of cigarette sticks by setting the minimum and maximum length and diameter. We recommend that the regulations prescribe the exact stick dimensions to eliminate variations across all cigarette brands; we note that the current proposed regulations only state a maximum size, not a minimum. The regulations should also include a prescribed size for rolling papers and filters used with loose tobacco; this would make these consistent with the legislation’s purpose of reducing the appeal of smoking and deterring smoking initiation.
- 3 We support the proposal for 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. We again recommend that all cigarettes have the same length and diameter to eliminate variations across cigarette brands.
- 4 We disagree with the proposal that loose tobacco should only be sold in rectangular pouches made of soft plastic. We support firm/rigid containers with set dimensions for loose tobacco this means that warning labels will remain visible and cannot be folded and concealed.
- 5 We support the proposal to standardise cigar packaging and limit the number of cigars that may be sold in a pack.
- 6 We believe that regulations should include a general provision to set a minimum size for all tobacco packages, including cigar packages as this will allow health warnings to be more visible.
- 7 To summarise the above recommendations for regulatory additional requirements to standardise the shape and size of tobacco products and tobacco product packages
 - Prescribe the exact stick dimensions to eliminate variations across all cigarette brands,
 - Prescribe the size for rolling papers and filters used with loose tobacco,
 - Require firm/rigid containers with set dimensions/prescribed size for loose tobacco.

Please refer to Question 12 for further suggestions for regulatory additional requirements to standardise the shape and size of tobacco products and tobacco product packages.

Permitted markings on tobacco packages

- 8 We support regulations for anti-counterfeiting marks as per the Australian experience
- 9 If any additional anti-counterfeiting marks are required we suggest consulting with the Australian authorities to remove any marks being that could be used as a marketing tool.
- 10 Additional marks or features on tobacco product packages are not necessary for automated manufacturing and packaging processes.
- 11 We do not support the regulations allowing for the country of manufacture to be printed on tobacco products or packages, as country of origin may be used to appeal to consumers.

Additional features to increase the effectiveness of standardised packaging

- 12 We recommend that the following additional features be considered within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill to increase the effectiveness of standardising tobacco products and packaging.
- Restrict the brand and variant names to only those in current use when the regulations were published (31 May 2016). Variants allow for product differentiation, as per the Australian experience.^v The brand/variants may be appealing in themselves eg ‘refined’, ‘freedom’
 - We support the proposed on-pack pictorial warnings as set out in Section 24 of the draft regulations. We strongly suggest using more varied themes to reflect the diversity within the smoking population and ensure impact on diverse groups of smokers..^{vi vii viii}
 - We recommend that the warnings (image and text) be reviewed at least once every two years. We further suggest that a different set of images (e.g. 12) be used each year as evidence has shown warning “wear out” occurs.^{ix}
 - The Quitline information on current tobacco packaging is not prominent. We recommend re-formatting this information to make it more obvious to encourage smokers to consider quitting.^x We recommend that tobacco packages include inserts featuring Quitline information and quitting benefits and that these inserts and the information on them are regularly reviewed and rotated.
 - We recommend the outer cellophane shrink wrap, the inside of the tobacco packets, packing, including the foil liner and any marketing inserts, other than those used to promote the Quitline, be standardized, so these areas of the packaging cannot be used for future marketing purposes.
 - Research has shown that changing the stick appearance and colour reduces the attractiveness of smoking.^{xi xii xiii} We recommend standardising the appearance and colour of all cigarette sticks, filters and all rolling papers to match Patone 448C. The Canadian government is currently considering “Single unattractive colour for cigarette and ... rolling papers”.^{xiv}
 - New product innovations are only introduced to increase appeal, palatability etc. We recommend the regulations prohibit any new product design or innovation including filter innovations e.g. capsule cigarettes, grooves holes, recess etc. Innovations such as flavour capsules appeal strongly to the youth market and should be banned to protect our young people from smoking initiation and experimentation.

Conclusion

Thank you for the chance to comment on the draft regulations and hope you will consider the above recommendations. We strongly support the government’s goal of a Smokefree Aotearoa / New Zealand by 2025, that future generations of New Zealanders will be free from exposure to tobacco products and will enjoy Smokefree lives. This goal relies on the government to play its role in legislating the policies necessary to support quitting successfully, preventing youth uptake, and regulate the supply of tobacco.

We do NOT have any direct or indirect links to the tobacco industry.

i Census 2013

ii Northland District Health Board, Tupeka Kore Te Tai Tokerau Tobacco Free Northland Plan 2011 to 2013

iii Carter SM. The Australian cigarette brand as product, person, and symbol. Tobacco Control 2003;12(Suppl III):iii79-iii86.

iv Pollay RW. More than meets the eye: on the importance of retail tobacco merchandising. Tobacco Control 2007;16:270-274.

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- v 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.
 - vi Healey B, Hoek J. Young Adult Smokers' and Prior-Smokers' Evaluations of Novel Tobacco Warning Images. *Nicotine Tob Res* 2016;**18**(1):93-7.
 - vii 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.
 - viii 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.
 - ix 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.
 - x Hoek J, Gendall P, Eckert C, et al. A comparison of on-pack Quitline information formats. *Tob Control* 2016;**25**(2):211-7.
 - xi Hoek J, Robertson C. How do young adult female smokers interpret dissuasive cigarette sticks? A qualitative analysis. *Journal of Social Marketing* 2015;**5**(1).
 - xii Hoek J, Gendall P, Eckert C, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? *Tob Control* 2015.
 - xiii Borland R, Savvas S. Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control* 2012;**21**:331-37.
 - xiv 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>].



Submission 21

6 July 2016

Our Ref: MT16-108

Ministry of Health
P O Box 5013
WELLINGTON 6140

Email: standardisedtobacco@moh.govt.nz

Dear Ministry of Health

Standardised Tobacco Products and Packaging Draft Regulations

Thank you for the opportunity to comment on the Ministry of Health's consultation document, *Standardised Tobacco Products and Packaging Draft Regulations*. The Royal New Zealand College of General Practitioners (the College) supports the intent of the draft regulations on standardising tobacco products and packaging in New Zealand as part of the comprehensive tobacco control programme.

General practice and the College

General practice is the range of values, knowledge, skills, and practices required to provide first level medical services in both community practice and hospital settings. General practice includes the provision of both first contact and continuing care for all ages and both sexes that is comprehensive, person-centred, and takes into account the roles of family, whānau, community and equity in achieving health gains.

GPs comprise almost 40 percent of New Zealand's specialist workforce and their professional body, the College, is the largest medical college in the country. The College provides training and ongoing professional development for GPs and rural hospital generalists, and sets standards for general practice. The College is committed to:

- Ensuring that New Zealand has a GP workforce that contains sufficient vocationally trained GPs to: ensure appropriate service provision; enable sustainable, safe, high quality primary health care; meet the increased demands of an ageing population and co-morbidity; and to meet the Government's expectations of care that is sooner, better and more convenient.
- Improving patient outcomes with regard to continuity and access to quality care by: promoting better integration between primary care, secondary care and social services; and encouraging innovation and the development of new models of care.
- Achieving health equity in New Zealand through: a greater focus on the social determinants of health; reducing the rates of smoking and increasing health food options for low-income families; better integration of health and social services; and ensuring that funding for primary care is targeted to the most disadvantaged.
- Improving health outcomes for rural communities through the work of high quality, well trained medical generalists working within multidisciplinary teams.
- Achieving health equity for Maori. Health equity for Māori will be achieved when Māori have the same health outcomes as other New Zealanders. For this to occur, service delivery to Māori needs to be appropriate and effective and ensure equity of access. This does not mean a reduction in service delivery to other New Zealanders, but rather improving service delivery to Māori to ensure fairness.

Ministry of Health's consultation

The Government has decided to tightly regulate how tobacco products may be packaged and presented in order to counter the marketing power of tobacco products and packaging. Your consultation document explains that the regulations are made under the amended Smoke-free Environments Act 1990 and that the main features of the overall scheme are:

- standardising the size and appearance of tobacco products and packages to make them less appealing, and to make the graphic warnings on the packs larger and more effective;
- allowing a brand name and certain other manufacturer information to be printed on the pack, but with tight controls (eg, over the typeface, font size, colour and position);
- prohibiting the use of tobacco company branding imagery and all other marketing devices on tobacco product packaging and on tobacco products themselves.

The Ministry is now seeking feedback on an 'exposure draft' of regulations (ie, regulations before the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill is passed) on the proposed requirements for standardised tobacco products and packages.

The College's response

The College strongly supports the proposed measures to standardise the appearance of tobacco products and tobacco product packaging to: reduce their appeal and acceptability; make warning messages more effective; and minimise false impressions about harmful effects. We commend the Ministry of Health in applying the four principles of: alignment with international requirements; effectiveness; practicality; and consistency with New Zealand's international obligations and commitments, in developing the draft regulations.

The College does not intend to address the specific questions raised in the consultation document. However, our more general comments are set out below.

The College is a member of the Smokefree Coalition and has endorsed its strategy, *Tobacco Free New Zealand 2020: Tupeka Kore Aotearoa 2020* which comprises a vision that "Future generations of New Zealand children will be free from exposure to tobacco and will enjoy smokefree lives."¹

As you will be aware, tobacco use is a leading cause of preventable death in New Zealand. It is concerning that around 5000 people die each year in New Zealand because of smoking or second-hand smoke exposure.² The College advocates making New Zealand smoke-free as soon as possible, with specific targets for Māori.³ Whereas the New Zealand Government set a goal in 2011 for New Zealand to be "effectively smokefree by 2025",⁴ the College promotes more ambitious timeframes as well as specific targets to reduce the startling differential rates of smoking for Māori compared with non-Māori. We note the prevalence of smoking among Māori is high with 38.1 percent of Māori aged 15+ years being current smokers (having smoked more than 100 cigarettes in their lifetime and currently smoke at least once a month) in 2014/15, which is higher than non-Māori ethnic groups.⁵

The College considers that the variation in imagery, branding, font sizes, styles and colours on tobacco packaging plays an important role in the appeal of tobacco products and smoking, particularly for young

¹ The Smokefree Coalition. *Tobacco Free New Zealand 2020: Tupeka Kore Aotearoa 2020*. Wellington: The Smokefree Coalition; December 2009. Available from: <http://www.sfc.org.nz/pdfs/091221AchievingtheVision.pdf>

² Ministry of Health. *Health effects of smoking*. Wellington: Ministry of Health; 12 June 2015 [cited 4 July 2016]. Available from: <http://www.health.govt.nz/your-health/healthy-living/addictions/smoking/health-effects-smoking>

³ The Royal New Zealand College of General Practitioners. *Tobacco: Position Statement*. Wellington: The RNZCGP; 2013. Available from: <https://www.rnzcgp.org.nz/assets/documents/Standards--Policy/Tobacco-position-statement.pdf>.

⁴ Ministry of Health. *Smokefree 2025*. Wellington: Ministry of Health; June 2013. Available from: <http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/smokefree-2025>

⁵ Ministry of Health. *Tier 1 statistics 2014/15: New Zealand Health Survey*. Wellington: Ministry of Health; 19 November 2015 [cited 5 July 2016]. Available from: <http://www.health.govt.nz/publication/tier-1-statistics-2014-15-new-zealand-health-survey>

people. Therefore, minimising these variations through standardised packaging in conjunction with more effective graphic health warnings are crucial to reducing this appeal. We also support standardising the sizing and quantities of tobacco products to help further eliminate variations and maximise the overall effect from standardising.

The College urges the Government to follow the lead set by the Australian government in standardising the retail packaging and appearance of tobacco products.⁶ We acknowledge that the report commissioned by the Australian Department of Health suggests that the tobacco plain packaging measure is achieving its aims.⁷ Findings in the report include:

- Over the period December 2012 to 2014, the chain volume measure (seasonally adjusted) of household consumption for cigarettes and tobacco declined by 14.4%.
- In 2013, 12.8% of Australians aged 14 or older were daily smokers, which declined from 15.1% in 2010.
- Tobacco clearances (including excise and customs duty), which are an indicator of tobacco volumes in the Australian market fell by 3.4% in 2013 relative to 2012 (when tobacco plain packaging was introduced) and have subsequently fallen a further 7.7% in 2014.

The report noted that while reductions in smoking prevalence “cannot be directly attributable to plain packaging alone, they are strongly suggestive that plain packaging is contributing to decreases in smoking at the population level”. It also noted this was consistent with earlier evidence that the introduction of the tobacco plain packaging has reduced the appeal of tobacco products to consumers, increased effectiveness of health warnings on tobacco products, and reduced the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking.^{8,9}

Finally, the College acknowledges the important work of the ASPIRE2025 research group of the University of Otago. We are aware of this group’s submission on the draft regulations and support their comments on the opportunity for New Zealand to develop regulations that set a new standard in best practice.

Conclusion

The College supports greater regulation of the tobacco industry to reduce the smoking prevalence and improve population health outcomes in New Zealand. The College believes the proposed regulations on standardised tobacco products and packaging are a positive move towards achieving this goal.

We hope you find our comments helpful. If you would like any further information or clarification please do not hesitate to contact the College’s policy team at policy@rnzcgp.org.nz.

Yours sincerely



⁶ The Royal New Zealand College of General Practitioners. Tobacco: Position Statement. Wellington: The RNZCGP; 2013. Available from: <https://www.rnzcgp.org.nz/assets/documents/Standards--Policy/Tobacco-position-statement.pdf>

⁷ Department of Health. Post-Implementation Review: Tobacco Plain Packaging 2016. ACT: Australian Government; 26 February 2016. Available from: <http://ris.dpmc.gov.au/2016/02/26/tobacco-plain-packaging/>

⁸ 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. *Tob Control*. 2015;24:ii17–25.

⁹ White V, Williams T, Wakefield M, et al. Has the introduction of plain packaging with larger graphic health warnings changed adolescents’ perceptions of cigarette packs and brands? *Tob Control*. 2015;24:ii42–9.

Consultation submission

Details

Name and designation:

Company organisation
name and address:

Contact phone number and
email address:

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.

N/A

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?

☒ Yes

☐ No

Please outline your 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.

- 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.

although standardisation of packaging dimensions facilitates the manufacture of same-size covers/over-packaging to conceal the mandated standardized packaging.

- 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?

- 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 *generally*

☐ No

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

except that I wonder why an exception is made for the sale of single cigars - unless it is because the cost/unit is higher, and the consumer experience is different enough from cigarettes that all good arguments made against sale of small packets of cigarettes don't apply?

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

☐ Yes
☐ No

) see Q 5 response.

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.

Re: Part 1 General Requirements (p6) reference was made to the characteristics of tobacco products, including smell, but there didn't seem to be reference to packaging strategies to address that. Perhaps the aim to future-proof regulations re: packaging will limit 'any manufacturers' developments regarding smell, as well as the potential for 'noises or (other) features'?

Permitted markings on tobacco packages

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

☐ Yes
☐ No

) uncertain

Please provide detail and reasons below.

I don't know what makes the best sense - implementing provisions for use of anti-counterfeiting marks 'just in case' now, or do it later if/when required?
Perhaps do it now, if it doesn't slow things down.

- 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.

make the marks covert

- 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.

I wouldn't think so - risk of further product differentiation being construed as elite/premium/improved, etc.. by consumers.

- 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.

Why would NZ allow country of manufacture to be printed on tobacco product packages? We don't require it for our food and that is a far more relevant consideration for consumers. It's not like tobacco products are healthier if made in one country than another. Or that there are parallel ethical (the same as wanting to be a locavore/limit "food miles") considerations for choosing one country's product over another's.

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.

I think that allowing for irregular sized (but standardised shape + # of contents) packaging might preclude the easy creation of devices that could be used to cover the standardised packaging.

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.

- * I really liked reading about the projected health savings from a very small % decrease in smoking in Australia (p3 Exec Summary of Post Implementation Review) ... and then the Addendum to Appendix A that quantified the % decrease in smoking attributed to implementation of Australia's regulations/legislation ... which I calculated to = \$1962 million for Australia. I can't wait for this to be implemented in NZ, for the benefits to be experienced here.
- * Also - as someone concerned about the health of children in particular, I understand that children may benefit from this in a number of ways - having less exposure to marketing of cigarettes via packaging that may reduce incidence of initiating smoking themselves; also, if parents/caregivers who are smokers reduce their own smoking (or even cease!) as a result of this, then children will be less exposed to second-hand smoke, have a less smoking role-modelled to them, + benefit from the parent/caregiver having more discretionary spending for other items.



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

Executive Summary

We commend the government for its commitment to introduce standardised packaging as we consider that this evidence based initiative will work to prevent children and young people from becoming addicted to nicotine. We consider that standardised packaging is an important measure that will help achieve the Government's Smokefree Aotearoa/New Zealand 2025 Goal.

We understand individuals and organisations with expertise across the range of submission questions will be providing expert advice in their submissions. We will concentrate on commenting on the importance of improving the visibility of Quitline and cessation information on packs to ensure current smokers are aware of where to access support to Quit smoking.

Submitter Background

The Quit Group is an incorporated charitable trust established in 1999. The Quit Group is committed to helping all New Zealanders quit smoking, with a particular focus on Māori, Pacific peoples and pregnant women.

From 1999 to 2015 The Quit Group, with funding from the Ministry of Health, operated the Quitline, offering a multi-faceted service to all New Zealanders who wanted to quit smoking.

In 2015, the operation of the Quitline service was contracted to Homecare Medical under the umbrella of the National Telehealth Service. Under this arrangement the Quit Group retains the rights to the Quitline brand.

Introduction

Smoking is a major risk factor for preventable ill-health and mortality in New Zealand,¹ and results in around 4-5000 deaths each year. In 2011 the New Zealand Government responded to a recommendation of the Māori Affairs Select Committee inquiry into the tobacco industry in Aotearoa and the consequences of tobacco use for Māori² and adopted the world-leading goal of "...reducing smoking prevalence and tobacco availability to minimal levels, thereby making New Zealand essentially a smoke-free nation by 2025."³ Since then there has been ongoing action to achieve this goal, particularly in response to increasing evidence that progress towards the goal is inadequate, particularly for Māori and Pacific peoples.^{4, 5} We commend the Government for

recognising the enormous harm tobacco use causes to New Zealanders’ health and economic well-being and we appreciate the opportunity to comment on the draft regulations.

Standardised packaging featuring unattractive colours and larger warning labels will decrease the focus on brand and any attractive qualities branding may suggest and increase the educative information on the pack. While tobacco packages currently have information about the Quitline service, we consider that these details are not currently prominent enough and many smokers may overlook them. Otago University research shows that re-formatting this information made it significantly easier to read, more noticeable, and more likely than the control (status quo) to encourage smokers to consider quitting.⁶ We strongly recommend that one of the “two-format” designs (see Figure 1 for an example) reported on in the research is made mandatory for all tobacco packaging.⁶

We would also recommend that smart-phone readable QR codes are included on all tobacco packages; to provide a direct connection to the Quitline website.

Figure 1: Current and Re-formatted Quitline Information



[Redacted text block]

8 July 2016

References

- [1] Ministry of Health. *Health Loss in New Zealand: A report from the New Zealand Burden of Diseases, Injuries and Risk Factors Study, 2006–2016*. Wellington: Ministry of Health, 2013.
- [2] New Zealand Parliament. *Inquiry into the tobacco industry in Aotearoa and the consequences of tobacco use for Māori. Report of the Māori Affairs Select Committee*. Wellington: New Zealand Parliament, 2010.
- [3] New Zealand Parliament. *Government Response to the Report of the Māori Affairs Committee on its Inquiry into the tobacco industry in Aotearoa and the consequences of tobacco use for Māori (Final Response)*. Wellington: New Zealand (NZ) Parliament., 2011.
- [4] Ball J, Edwards R, Waa A, et al. Is the NZ Government responding adequately to the Māori Affairs Select Committee's 2010 recommendations on tobacco control? A brief review.
- [5] Cobiac LJ, Ikeda T, Nghiem N, Blakely T, Wilson N. Modelling the implications of regular increases in tobacco taxation in the tobacco endgame. *Tob Control*. 2014.
- [6] Hoek J, Gendall P, Eckert C, et al. A comparison of on-pack Quitline information formats. *Tob Control* 2014.

Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: [REDACTED]

Company organisation name and address: Business Action to Stop Counterfeiting and Piracy (BASCAP), an initiative of the International Chamber of Commerce (ICC)

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.

We preface our views with the acknowledgement that BASCAP membership comprises, inter alia, companies engaged in the manufacture and sale of tobacco products. Nonetheless, these views are registered on behalf of the cross-sector representation of BASCAP member companies – from food, beverage, electronics, music, movie, sports, clothing and pharmaceutical sectors – equally concerned about the wider implications of laws requiring plain packaging of tobacco products.

Additional information

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

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

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> : Chamber of Commerce | |

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.

- 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.

- 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.

- 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?

- 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?

- 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.

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.

- 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.

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.

BASCAP is concerned that “plain packaging” measures will result in unintended negative consequences, undermining Intellectual Property Rights and increasing the prevalence of counterfeit and illicit goods.

Consequently, our position pertains to extenuating impacts on intellectual property rights and counterfeiting, rather than the technical specifications listed in submission form. BASCAP maintains that the “plain packaging” measures identified in the proposed draft regulations will result in unintended negative consequences, undermining Intellectual Property Rights and increasing the prevalence of counterfeit and illicit goods.

BASCAP encourages the Government of New Zealand to carefully consider standardised tobacco products and plain packaging proposals within the wider context of Intellectual Property protection policies, laws and enforcement regimes and how they will impact the ability of businesses and governments to effectively fight against the problems of counterfeiting, piracy and illicit trade.

We wish to draw to your attention to previous BASCAP submissions on this topic:

- 2012, BASCAP response to New Zealand Department of Health public consultation on proposal to introduce plain packaging of tobacco products, 23 July 2012
- 2014, BASCAP submission to public comment - Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, 26 March 2014
- 2015, BASCAP response to public consultation - New Zealand and the Protocol to Eliminate Illicit Trade in Tobacco Products, 10 June 2015