



New Zealand Medical Students' Association



M S G A  
medical students for global awareness

25 July 2016

**Submission - Standardised Tobacco Products and Packaging Draft Regulations**

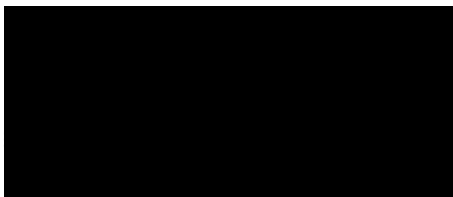
Together, the New Zealand Medical Students' Association (NZMSA) and Medical Students for Global Awareness, wish to express our strong support for standardised packaging as part of a comprehensive strategy to achieving the Smokefree 2025 goal.

As detailed in this submission, we are strongly supportive of almost all of the measures proposed. By reducing the ability of industry to associate a brand image with cigarettes and other tobacco products, the appeal of these products to the consumer is diminished. This is likely to have a powerful impact on the likelihood of individuals taking up and continuing regular use of these products.

Indeed a study during the roll-out of the Australian standardised packaging regime<sup>1</sup> demonstrated that smokers using cigarettes sold within standardised packaging perceived them to be of a lower quality and less satisfying than regularly branded cigarettes. They also contemplated quitting smoking more regularly and considering quitting as a higher priority than users for regularly packaged cigarettes.

Overall, we believe that standardised packaging is a highly effective intervention to reduce the prevalence of smoking in Aotearoa New Zealand and should be implemented as soon as possible.

Yours Sincerely,



Medical Students for Global Awareness

Email: [Redacted]

Phone: [Redacted]



New Zealand Medical Students' Association

Email: [Redacted]

Phone: [Redacted]

### About Us

The **New Zealand Medical Students' Association** is the national representative body for students studying medicine in New Zealand with over 2,000 members.

**Medical Students for Global Awareness** is a nationwide network of medical students who are passionate about addressing health inequalities on a local and global scale.

### References

1. Wakefield MA, Hayes L, Durkin S, Borland R. Introduction effects of the Australian plain packaging policy on adult smokers: a cross-sectional *study*. *BMJ open*. 2013 Jul 1;3(7):e003175.

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# Consultation submission

## Details

Name and designation:

████████████████████ (NZMSA)

Company organisation name and address:

New Zealand Medical Students' Association, PO Box 156, Wellington 6140

Contact phone number and email address:

████████████████████

## 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.

None.

## 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 checked="" 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.

Small sized packs of cigarettes and tobacco are potentially more accessible as 'starter packs' to individuals experimenting with tobacco use or those who are in the process of quitting tobacco use.

- 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.

Different cigarette dimensions can be used as part of a broader product differentiation strategy to increase the product's appeal to a particular segment of the market (e.g. women, new smokers). Standardised dimensions reduce the effectiveness of this strategy and increase the perception of cigarettes as a commodity item. This is likely to reduce the appeal of the product to consumers and thus reduce overall cigarette consumption.

- 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.

As per question two, restricting the freedom that cigarette manufacturers have to differentiate their products, the less the products are to appeal to specific market segments. Overall this should support a reduction in cigarette consumption.

- 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?

As per question two, packaging can be used to differentiate tobacco products to increase their attractiveness to consumers. Standardised pouches are likely to reduce the appeal of these products to consumers.

- 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?

Given that cigars tend to be consumed intermittently as a luxury item rather than used chronically like cigarettes, we would caution that a different threshold for intervention should be applied to cigars as opposed to cigarettes. Any intervention should not be excessively out of proportion to the health effects of the product. We are unsure the the harm caused by cigars warrants the use of standardised packaging.

We would support number limits on the number of cigars that may be sold in a pack however. We believe this would support public health objectives while preserving access to cigars as a luxury item to be consumed occasionally.

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.

As per question two, reducing variation limits the ability to differentiate products to increase their appeal to particular market segments.

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.

Counterfeit tobacco products are not currently a major issue within New Zealand. If permitted, anti-counterfeiting marks are likely to be used by manufacturers as part of a product's branding to increase the appeal to consumers.

- 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.

N/A

- 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.

We do not have expertise in this area.

- 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.

Only as far as required by any relevant legislation. Like brand names, country of manufacture labels can be associated with particular connotations, for example that a product is exotic or, conversely, local. This can increase the attractiveness of the product to the consumer and potentially increase the probability of a purchase decision being made.

## 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.

If possible, these regulations should be extended to apply to duty free stores within New Zealand jurisdictions.



# Consultation submission

## Details

Name and designation:

██████████

Company organisation  
name and address:

Te Runanga o Ngāti Whātua, 1 Rendall Place, Auckland City

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.

I can confirm that our staff and our organisation have had no links and currently do not have any links to 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            | <input checked="" type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other <i>(please specify)</i> : |   |

1. Te Runanga o Ngāti Whātua would like to thank The Ministry of Health for the opportunity to provide feedback for the draft regulations proposed in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill. We commend the decision to allow community to contribute to such decisions which affect our communities and their members.
2. Te Runanga o Ngāti Whātua is constituted as a body corporate by the Te Rūnanga o Ngāti Whātua Act 1988 and is a Māori Trust Board under the Māori Trust Boards Act 1955. It is the sole representative body and authorised voice to deal with issues affecting the whole of Ngāti Whātua. Te Runanga o Ngāti Whātua concerns itself with enhancing Tino RaNgātiratanga and realising Mana Motuhake for its people/.
3. Te Runanga o Ngāti Whātua aims to enhance the wellbeing of the descendants of Ngāti Whātua as well as Maori living within the Ngāti Whātua regional boundaries. Ngāti Whātua aim to do this through supporting communities to shape positive health environments.
4. Smoking is exceedingly harmful and highly addictive, and is the leading cause of preventable disease in New Zealand. Whilst smoking affects the individual, it also has impacts on wider family and whanau members, particularly with instances of second hand smoke.
5. Within these statistics, Maori are further at risk from the harms of smoking, and are also more exposed to tobacco marketing and accessibility. According to the 2013 Census results, Maori are more than 2 times more likely to be smokers than non-Maori, with 13.7% of the general population being smokers, compared to 29% of Maori who smoke. This statistic worsens for Ngāti Whātua, with the smoking prevalence of Ngāti Whātua sitting just below 31% of the iwi population.
6. Te Runanga o Ngāti Whātua would like to commend the efforts of the Ministry of Health to consider, and move towards regulating the marketing and advertising of the tobacco companies through standardising the packaging of all tobacco products in New Zealand.

# Consultation questions

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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.

A standard amount of tobacco will limit the ability for cigarette manufacturers to conjure a point of difference. One individual may prefer one brand because it has 25 cigarettes has a low price barrier, while another may seem value for money. It is our opinion that 20 cigarettes should be the limit for all packets.

It is our belief that the amount in loose tobacco should be standardised to 50g. Our rational behind this decision is that a packet at 50g would present a greater barrier to purchase for rangatahi, as these would be higher priced than 30gm.

- 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.

We recommend that the new regulations regulate the length and diameter of the cigarette sticks, by having a single standardised dimension for the cigarette sticks.

One of the goals of standardised branding is that tobacco manufacturers can not differentiate themselves from one another for market attractiveness.

Therefore cigarettes need to be uniform in length and diameter. It has long be known that many groups especially female gravitate to longer and slim cigarettes which are often associated with being slim, sophisticated stylish and elegant.

We would particularly recommend shorter and thicker sticks be the regulated uniform diameter. This will remove possibility of misinterpretation of the regulations, and will provide conformity across all tobacco 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.

As mentioned in previous suggestions, a major goal is to limit the cigarette manufacturer's ability to demonstrate their point of difference. Changes in the dimensions of the packets would allow for this to happen. This would be especially appropriate should the dimensions of the cigarettes themselves be standardised.

Imperial Tobacco Canada, a wholly owned subsidiary of BAT and the largest manufacturer in Canada, recently added a new twist to retail displays by re-packaging its leading du Maurier brand in octagon-shaped packages, with angled edges on the front and back of the package face.

This regulation is primarily important to ensure that sizing is not used as a marketing tool for tobacco companies.

It must be remembered, in particular for youth, the selection of tobacco products are not due to sensory factors such as taste or smell, rather they are influenced by psychological factors, the branding and its imagery

- 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?

Similar to the answers above, without the standardisation of packets in loose tobacco, the tobacco suppliers could invent new and innovative ways to package their tobacco leading to not just a point of difference, but also the ability to make their product more attractive.

- 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?

Whilst cigar smoking has a much lower uptake in youth, it is still important that cigar packaging standardised, as cigars are just as harmful as cigarettes.

We recommend that the standardisation of packaging apply to all 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.

We recommend that a standard size be the regulated sizing of all tobacco packages. There should be only one standard size for each type of product.

- 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.

Dissuasive sticks are a concept that has had some momentum. Studies show that a drab dark brown colour pantone 448C has been described as the most dissuasive colour. This is based on market research. This effect may be more pronounced with standardised cigarettes dimensions and standardised packets. As mentioned previously, a person selects a brand because it integrates with a person identity; it's a statement about who they are. A dissuasive thicker shorter, unpleasing to the eye cigarettes may help change that view.

## 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.

There has and always will be a criminal element based around a vast array of services and products. From stereos, TV's, alcohol, drugs, driving etc. However, the potential to promote criminal activity should not supersede the actions of governments to protect its citizens. Possible consequences should be duly noted and resources should be redeployed in preparation for such a threat, however, the reality is that counterfeiting is not a substantive issues in New Zealand.

Therefore we recommend that the regulations do not provide room to account for anti-counterfeiting marks to be used in or on 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.

- 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.

Again, this is not a substantive issue, however, there are a number of ways that codes such as numbers, bar codes, QR Styled codes that could be used ensure packets of cigarettes can be tracked from manufacturer to retailer. Also these marking need not add to the attraction of said products.

Whilst there may need to be consideration of this for automated manufacturing and packaging, we recommend that these markings also be regulated.

- 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.

A country of origin could be used to generate a point of difference. For example and pack of cigarettes manufactured in New Zealand could be more attractive than say a packet of smokes bought from China.

We do not believe that country of production is of importance for tobacco manufacturers (like the brand name), and therefore do not believe that the regulations should consider this.

## **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 issues worth discussing

In the text that is used for the standardised packaging we advocate using a font that is not associated with being stylish or elegant. Some of the examples of a cigarettes packets are still alluring and make for an enjoyable customer experience. We would advocate a thick font with rounded edges such as Arial Bold or Coopers.

The size and position of the health warning.

The use of Pictures and Symbols in Health Communications

“Graphic’ picture and the use of fear arousing information

Prominent health warnings that cover a significant proportion of the package also have the potential to undermine a brand’s appeal and the impact of package displays at retail outlets

We would like some warnings that refer to the damage that smokes do on our environment.

## **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.

We recommend that the manufacturers be required to maintain their original packaging from when the regulations come into practice

**We further recommend the following :**

**That the inside of the carton packaging also be coloured in the same “drab dark brown” as the outer packaging.**

**That the “foil lining” be a less appealing colour than the current “silver foil. We recommend the lining be coloured “drab dark brown” as well. Furthermore, this lining should be fixed to the inside of the pack and not easily detachable, as this would mitigate consumers being able to “discard” the unappealing outer package.**

**Restrict brand names to one variant only to avoid evocative brand name. We also recommend that the brand name be restricted in colour- i.e. one colour only, so that the brand colour cannot be used as a point of difference.**

**Regulate that all cigarette sticks be white with corkstick tops, with no variation.**



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# References

Te Puni Kokiri. 2013. *Te whakahura a Kupe*.

<http://tpk.idnz.co.nz/tpk/smoking?BMMAoriDescentID=0&es=5&WebID=120&IwiID=680>.

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Pollay RW. The role of packaging seen through industry documents. Mar 2001. Expert Report prepared for: JTI-Macdonald., Imperial Tobacco Canada Ltd and Rothmans, Benson & Hedges Inc. v. Attorney General of

Canada and Canadian Cancer Society (intervenor). Supreme Court, Province of Quebec, District of Montreal. Defense Exhibit D-116.

Borland R, Hill D. Initial impact of the new Australian tobacco health warnings on knowledge and beliefs. *Tob Control* 1997; 6: 317-325.

(Te Puni Kokiri 2013)

# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation:

[REDACTED]

Company organisation name and address:

Hawke's Bay District Health Board, Private Bag 9014, Hastings 4156

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.

Hawke's Bay District Health Board (HBDHB) has no issue with our submission comments being released as per the Official Information Act 1982.

### 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.

HBDHB has no links to 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 checked="" 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 <i>(please specify)</i> : Coalition Group |   |

### Please return this form to:

Email: [standardisedtobacco@moh.govt.nz](mailto: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.

HBDHB supports the proposals to limit the number of cigarettes per pack to 20 or 25, and loose tobacco to 30 or 50 grams. This will prevent opportunities for the introduction of alternative pack sizes, which could be used as a marketing tool.

HBDHB also recommends a further pack size limitation be implemented from 2020 to reduce consumer choice to one single cigarette pack size and one quantity of 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

No

Please outline your reasons.

HBDHB supports the proposal to restrict dimensions of cigarette sticks. However, we recommend strengthening the regulations to require a standard size of cigarette stick to one standard length and one standard diameter. This will reduce the likelihood of alternatives being produced, and will restrict marketing opportunities that may enable brands and/or variants within brands to be easily distinguishable.

Similarly, HBDHB recommends the regulations require a single standard size for tobacco rolling papers and filters to reduce scope for manipulation and marketability.<sup>1-3</sup>

- 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.

HBDHB supports the proposal to set pack dimension limits but recommend these be of one size to reflect the one recommended standard size of cigarette sticks, as outlined in response 2 above. This will further prevent scope for the introduction of marketing options.<sup>1-3</sup>

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?

HBDHB does not support the proposal that loose tobacco should only be sold in soft plastic pouches. We recommend the regulations require loose tobacco to be sold in hard (solid) containers only, of a standard single size.

Parts of loose (soft) pouches can be folded over and 'hidden' from sight, resulting in reduced exposure of health warnings and Quitline information. Standardised packaging needs to ensure maximum exposure of these and hard packs for loose tobacco support this aim. A hard container will also ensure consistency across all tobacco product lines.

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?

HBDHB agrees with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars to be sold in a pack. This will ensure consistency across all cigar types and variants, and across all tobacco products.

HBDHB also recommends a further pack size limitation be implemented from 2020 to reduce consumer choice to either one single cigar or a pack containing only 5 cigars.

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.

HBDHB supports the regulations including a provision for setting a minimum size for all tobacco packages, including cigar packages. Minimum sizing will ensure health warning messages and Quitline information have maximum exposure that may be otherwise diluted if small package alternatives are used.<sup>4</sup>

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.

Refer to response 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.

HBDHB has no comments on anti-counterfeiting marks, other than ensuring such marks provide no form of marketing advantage on any 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.

Refer to response 8. Any anti-counterfeiting marks, if used, must be standardised to provide no form of marketing advantage on any tobacco 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.

HBDHB does not believe other marks or features on tobacco product packages are required to allow for automated manufacturing and packaging processes. To do so would potentially allow for introduction of alternative marketing of these products.

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.

HBDHB does not believe country of manufacture needs to be printed on tobacco products or packages as this could introduce marketing advantage. We support the proposal to use a unique identification code (alphanumeric only) to determine the origin of 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.

1. Cessation Information: HBDHB recommends Quitline and smoking cessation information on all tobacco packaging be more prominently displayed, to encourage more smokers to become smokefree. New Zealand research found easier to read Quitline and cessation information was more likely to encourage smokers to consider quitting.<sup>5</sup> HBDHB strongly recommends making mandatory for all tobacco products the 'Two-Panel Label Format' design from the Hoek et al research, which found that this format will have a more pronounced visual impact on the consumer.<sup>5</sup>
2. Cigarette Sticks and Roll Your Own Papers: HBDHB supports requirements to standardise cigarette stick appearance. However, we recommend these go further than specified in the draft regulations to include the following:
  - 1 single diameter for all cigarette sticks (not 2 diameters, as proposed)
  - 1 single length for all cigarette sticks (not a minimum length only, as proposed)
  - 1 single length for all cigarette filters
  - 1 size for 'roll your own' tobacco papers
  - One colouring for all cigarette sticks and 'roll your own' tobacco papers, to be Pantone 448C to match packaging colouring.

A large body of research, including from New Zealand,<sup>5-8</sup> shows that neutral colouring has an impact on the public appeal of tobacco products.<sup>1</sup>
3. Brand Variants: HBDHB recommends the regulations include a requirement for no new brands or variants of tobacco products as at the publication date of the *draft* regulations. This is required to prevent the introduction of new names on brands, as was experienced in Australia during the introduction of their plain packaging regulations.<sup>4</sup> 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 be.<sup>9</sup> Standardised packaging provides an opportunity to completely remove all descriptors.
4. Pack Warnings: HBDHB supports the pack warning size proposals in the draft regulations. We recommend two-yearly review, refresh and/or rotation of the warnings to reduce the likelihood of the smoker population becoming 'immune' to these over time.<sup>10</sup> Some health warnings are less salient amongst particular smoker groups, particularly young people.<sup>9</sup> Pregnant teenagers in Australia were found to be taking up smoking in an attempt to reduce the birth weight of their unborn babies, after reading the birth weight warnings on tobacco packs.<sup>11</sup> Consumer research undertaken by HBDHB indicates the warnings are noticed by smokers,<sup>12</sup> but they need to feature diverse messages to appeal to a range of groups and the messages need to be regularly refreshed.
5. Flavourings as Additives: HBDHB recommends the regulations include specific requirements to prohibit flavourings being added to filters, papers, or tobacco. A number of tobacco additives are known to be flavours and flavouring additives improve the palatability of smoked tobacco.<sup>13</sup> Tobacco companies have developed new product innovations, including capsule (or 'crush') cigarettes. These products have a flavour capsule within the stick filter, which when squeezed releases a flavour. Flavouring additives are a potential marketing tool, enabling a competitive edge through building consumer loyalty. Additives may also encourage an increase in smoking initiation.
6. Pack Inserts: Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers' self-efficacy. Research found that reading of the inserts increased over time and this was associated with more quit attempts and more sustained quit attempts.<sup>14</sup> We recommend the regulations require all tobacco packages to include inserts modelled on the Canadian regulations.<sup>15</sup>
7. Wording: HBDHB has the following specific comments on the draft regulations:
  - Part 1, subpart 2, 14: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 2, 20: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 2, 25: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 3, 30 (1 and 2): Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 3, 32: Adjust the wording to read – 'A loose tobacco pack may have one or more non-removable adhesive labels affixed to it in order to display required warnings only.'
  - Part 1, subpart 4, 41(4): Recommend the inclusion of – 'to be in Lucida Sans typeface no larger than 8 point font size' (as with cigarettes and roll your own tobacco 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.

HBDHB recommends learnings from Australia's experience of introducing standardised packaging are considered for the New Zealand regulations. While the Australian approach provides an excellent model, the issues Australia experienced when implementing plain packaging provide us an opportunity here in New Zealand to ensure our regulations extend and improve on the Australian experience.

New Zealand research recommends focusing in particular on the following four areas for standardised packaging: preventing proliferation of brand variant names, improving pictorial warning labels so these resonate more with smokers, introducing dissuasive cigarette sticks and rolling papers, and foregrounding Quitline information and supportive cessation messages on packages.<sup>11</sup>

We recommend the Ministry invests in a rigorous evaluation programme based on that undertaken in Australia.

## References

1. Borland R and S Savvas. Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control* 2013; 22(5):331-7.
2. Doucas F. 2009. *Tobacco Industry Innovation: Cool new ways... to an early grave. Why we need a Moratorium on new tobacco products*. Ontario: Physicians for a Smoke-Free Canada.
3. European Commission Scientific Committee on Emerging and Newly Identified Health Risks. 2016. *Final Opinion on Additives Used in Tobacco Products (Opinion 1). Tobacco Additives I*. Luxembourg: SCENIHR.
4. Scollo M, et al. Tobacco product developments coinciding with the implementation of plain packaging in Australia. *Tobacco Control* 2015; 24(e1):e116-22. doi: 10.1136/tobaccocontrol-2013-051509. Epub 2014 Apr 30.
5. Hoek J, et al. A comparison of on-pack Quitline information formats. *Tobacco Control* 2016; 25(2):211-7.
6. Hoek J, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? *Tobacco Control* 2015 Dec 16. pii: tobaccocontrol-2015-052533. doi: 10.1136/tobaccocontrol-2015-052533. [Epub ahead of print].
7. Hoek J and C Robertson. How do young adult female smokers interpret dissuasive cigarette sticks? *Journal of Social Marketing* 2015; 5(1):21-39.
8. plainpacks.org.nz. 2013. *A list of research conducted on plain tobacco packaging*. Retrieved from plainpacks.org.nz: [http://www.plainpacks.org.nz/fileadmin/info\\_sheets/PPNZ\\_Factsheet3.pdf](http://www.plainpacks.org.nz/fileadmin/info_sheets/PPNZ_Factsheet3.pdf)
9. 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.
10. Wakefield M, et al. Australian adult smokers' responses to plain packaging with larger health warnings 1 year after implementation: Results from a national cross-sectional tracking survey. *Tobacco Control* 2015; 24(Suppl 2):ii17-25.
11. *Pregnant teenage girls smoking cigarettes in bid to deliver smaller babies*. The Daily Telegraph. Accessed 18 July 2016. <http://www.dailytelegraph.com.au/news/nsw/pregnant-teenage-girls-smoking-cigarettes-in-bid-to-deliver-smaller-babies/news-story/4c67aea9de6b69edb7fdd1e60cdafc66>
12. Hawke's Bay District Health Board. 2015. *Regional Tobacco Strategy for Hawke's Bay, 2015-2020*. Hastings: Hawke's Bay District Health Board.
13. European Commission Scientific Committee on Emerging and Newly Identified Health Risks. 2010. *Addictiveness and Attractiveness of Tobacco Additives*. Luxembourg: SCENIHR.
14. Thrasher J, 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.
15. Health Canada. 2016. *Consultation on "Plain and Standardised Packaging" for Tobacco Products. Secondary Consultation on "Plain and Standardised Packaging" for Tobacco Products 2016*. <http://healthy Canadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-eng.php> Accessed 20 July 2016.



# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation:	<span style="background-color: black; color: black;">[REDACTED]</span> Wairoa Wellbeing Coalition
Company organisation name and address:	On behalf of the Wairoa Wellbeing Coalition, a group of representatives from 23 member organisations, including government agencies, NGOs, community groups, and individuals who work together to create, promote and strengthen wellbeing in the community of Wairoa District, under the umbrella of Te Wairoa He Hapori Haumarū (Wairoa Safe Communities) c/- 36 Kitchener St, Wairoa 4108
Contact phone number and email address:	<span style="background-color: black; color: black;">[REDACTED]</span>

### 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.

Not applicable.

### 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.

The Wairoa Wellbeing Coalition and its members have no links to 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                               | <input type="checkbox"/> Non-governmental organisation          |
| <input checked="" type="checkbox"/> Other (please specify): Coalition Group |   |

## Please return this form to:

Email: [standardisedtobacco@moh.govt.nz](mailto: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.

We support the proposals to limit numbers of cigarettes per pack to 20 or 25, and loose tobacco to 30 or 50 grams. This will prevent opportunities for alternatives, which could be used as a marketing tool.

We also recommend that further pack size limitations be introduced in 2020, to reduce consumer choice to one single cigarette pack size and one single quantity of 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

No

Please outline your reasons.

We support the proposals to restrict the dimensions of cigarette sticks. However, we recommend further requirements in the regulations for a standard size of cigarette stick to one length and one diameter. This will ensure marketing opportunities to distinguish between brands and/or variants within brands are limited. We also recommend the regulations require a single standard size for tobacco rolling papers and filters to reduce scope for manipulation and marketability.<sup>1-3</sup>

- 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 the proposal to set pack dimension limits. We recommend however that these be further standardised to reflect one standard size of cigarette sticks, as stated in section 2 above. This will prevent brand variations being used for marketing purposes.<sup>1-3</sup>

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?

We do not support the proposal that loose tobacco should only be sold in soft plastic pouches. We recommend the regulations require loose tobacco to be sold in hard, solid containers only, of a standard single size.

Parts of loose pouches are able to be folded over and 'hidden' from sight, resulting in reduced exposure of health warnings and Quitline information. Standardised packaging needs to ensure maximum exposure of these and hard packs for loose tobacco support this aim.

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?

We agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars to be sold in a pack. This will ensure consistency across all cigar types and variants, and across all tobacco products.

As outlined above, we also recommend that one specified cigar pack size be introduced from 2020, with a ban on single cigar sales from this time.

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.

We support the regulations setting a minimum size for all tobacco packages, including cigar packages. Minimum sizing will ensure health warning messages and Quitline information has maximum exposure that is not diminished through small package alternatives.<sup>4</sup>

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 refer to Q12.

## 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.

Refer response to Q8.

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.

We do not believe other marks or features on tobacco product packages are required to allow for automated manufacturing and packaging processes. To do so could allow for introduction of alternative marketing of these products.

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.

We do not believe country of manufacture needs to be printed on tobacco products or packages as this could introduce marketing advantage. We support the proposal to use a unique identification code (alphanumeric only) to determine the origin of 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.

1. **Cessation Information:** We recommend more prominent display of Quitline and smoking cessation information on all tobacco packaging to encourage more smokers to become smokefree. New Zealand research found easier-to-read Quitline and cessation information was more likely to encourage smokers to consider quitting.<sup>5</sup> We strongly recommend the 'Two-Panel Label Format' design from the Hoek et al research<sup>5</sup> is made mandatory for all tobacco packaging.
2. **Cigarette Sticks and Roll Your Own Papers:** We support the requirements to standardise the appearance of cigarette sticks. However, we recommend these go further than specified in the draft regulations to include:
  - 1 single diameter for all cigarette sticks (not 2 diameters, as proposed)
  - 1 single length for all cigarette sticks (not a minimum length only, as proposed)
  - 1 single length for all cigarette filters
  - 1 size for 'roll your own' tobacco papers
  - One unattractive colouring for all cigarette sticks and 'roll your own' tobacco papers, to be Pantone 448C to match packaging colouring.

A large body of research, including from New Zealand,<sup>5-8</sup> indicates that undesirable colouring has an impact on public perception of appeal of tobacco products.<sup>1</sup>
3. **Brand Variants:** We recommend the regulations include a requirement for no new brands or variants of tobacco products as at the date of the *draft* regulations being published. The aim is to prevent the introduction of new names on brands, as was experienced in Australia during the introduction of their plain packaging.<sup>4</sup> Other overseas research indicates a similar experience.<sup>2</sup> 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 be.<sup>9</sup> Standardised packaging represents an opportunity to remove all descriptors.
4. **Pack Warnings:** We support the proposals in the draft regulations on pack warning sizes. We recommend a two-yearly review of the warnings to reduce the likelihood of the smoker population becoming 'immune' to these over time.<sup>10</sup> Some of the current health warnings are less salient amongst particular smoker groups, particularly young people.<sup>9</sup> Pregnant teenagers in Australia were found to be taking up smoking in an attempt to reduce the birth weight of their unborn babies, after reading the birth weight warnings on tobacco packs.<sup>11</sup> The warning labels need to feature diverse messages that are regularly refreshed.
5. **Added Flavourings:** We recommend the regulations include specific requirements about prohibiting flavourings being added to filters, papers, or tobacco. A large number of tobacco additives are known to be flavours and flavouring additives improve the palatability of smoked tobacco.<sup>12</sup> Tobacco companies have developed new product innovations, including capsule (or 'crush') cigarettes. These products have a flavour capsule within the stick filter, which when squeezed releases a flavour. Flavouring additives are a potential marketing tool, enabling a competitive edge through building consumer loyalty. Additives may also encourage an increase in smoking initiation.
6. **Pack Inserts:** Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers' self-efficacy. Research found that reading of the inserts increased over time and this was associated with more quit attempts and more sustained quit attempts.<sup>13</sup> We recommend the regulations require all tobacco packages to include inserts modelled on the Canadian regulations.<sup>14</sup>
7. **Wording:**
  - Part 1, subpart 2, 14: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 2, 20: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 2, 25: Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 3, 30 (1 and 2): Add the following or similar - 'must not contain any writing, symbols or other markings'.
  - Part 1, subpart 3, 32: Adjust the wording to read – 'A loose tobacco pack may have one or more non-removable adhesive labels affixed to it in order to display required warnings only.'
  - Part 1, subpart 4, 41(4): Recommend the inclusion of – 'to be in Lucida Sans typeface no larger than 8 point font size' (in line with cigarettes and roll your own tobacco 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.

Australia's plain packaging approach provides an excellent model on which to base New Zealand's regulations. However the Australian experience of standardised packaging also provides an opportunity for New Zealand's regulations to extend and improve upon what was implemented.

New Zealand research recommends focusing on four key areas: preventing proliferation of brand variant names, improving the pictorial warning labels so these resonate more with smokers, introducing dissuasive cigarette sticks and rolling papers, and foregrounding Quitline information and supportive cessation messages on packages.<sup>11</sup>

We recommend these issues are comprehensively incorporated into the New Zealand regulations.

We also recommend the Ministry invests in a rigorous evaluation programme based on that undertaken in Australia.

## References

1. Borland R and S Savvas. Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control* 2013; 22(5):331-7.
2. Doucas F. 2009. *Tobacco Industry Innovation: Cool new ways... to an early grave. Why we need a Moratorium on new tobacco products*. Ontario: Physicians for a Smoke-Free Canada.
3. European Commission Scientific Committee on Emerging and Newly Identified Health Risks. 2016. *Final Opinion on Additives Used in Tobacco Products (Opinion 1). Tobacco Additives I*. Luxembourg: SCENIHR.
4. Scollo M, et al. Tobacco product developments coinciding with the implementation of plain packaging in Australia. *Tobacco Control* 2015; 24(e1):e116-22. doi: 10.1136/tobaccocontrol-2013-051509. Epub 2014 Apr 30.
5. Hoek J, et al. A comparison of on-pack Quitline information formats. *Tobacco Control* 2016; 25(2):211-7.
6. Hoek J, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? *Tobacco Control* 2015 Dec 16. pii: tobaccocontrol-2015-052533. doi: 10.1136/tobaccocontrol-2015-052533. [Epub ahead of print].
7. Hoek J and C Robertson. How do young adult female smokers interpret dissuasive cigarette sticks? *Journal of Social Marketing* 2015; 5(1):21-39.
8. plainpacks.org.nz. 2013. *A list of research conducted on plain tobacco packaging*. Retrieved from plainpacks.org.nz: [http://www.plainpacks.org.nz/fileadmin/info\\_sheets/PPNZ\\_Factsheet3.pdf](http://www.plainpacks.org.nz/fileadmin/info_sheets/PPNZ_Factsheet3.pdf)
9. 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.
10. Wakefield M, et al. Australian adult smokers' responses to plain packaging with larger health warnings 1 year after implementation: Results from a national cross-sectional tracking survey. *Tobacco Control* 2015; 24(Suppl 2):ii17-25.
11. *Pregnant teenage girls smoking cigarettes in bid to deliver smaller babies*. The Daily Telegraph. Accessed 18 July 2016. <http://www.dailytelegraph.com.au/news/nsw/pregnant-teenage-girls-smoking-cigarettes-in-bid-to-deliver-smaller-babies/news-story/4c67aea9de6b69edb7fdd1e60cdafc66>
12. European Commission Scientific Committee on Emerging and Newly Identified Health Risks. 2010. *Addictiveness and Attractiveness of Tobacco Additives*. Luxembourg: SCENIHR.
13. Thrasher J, 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.
14. Health Canada. 2016. *Consultation on "Plain and Standardised Packaging" for Tobacco Products. Secondary Consultation on "Plain and Standardised Packaging" for Tobacco Products 2016*. <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-eng.php> Accessed 20 July 2016.

26 July 2016

Ministry of Health  
PO Box 5013  
Wellington 6140  
New Zealand

Via email: [standardisedtobacco@moh.govt.nz](mailto:standardisedtobacco@moh.govt.nz)

## To whom it may concern

### Standardised Tobacco and Packaging Draft Regulations

The Royal Australasian College of Surgeons (RACS) is pleased to provide feedback on the *Standardised Tobacco and Packaging Draft Regulations Consultation Document*.

RACS is the leading advocate for surgical standards, professionalism and surgical education in New Zealand and Australia.

RACS is a not-for-profit organisation that represents more than 7000 surgeons and 1300 surgical trainees and International Medical Graduates across New Zealand and Australia. As part of its commitment to standards and professionalism, RACS strives to take informed and principled positions on issues associated with the delivery of health services.

The harm caused to the health of New Zealanders by the consumption of tobacco is one such issue.

In order to reduce this harm, RACS strongly supports the development and implementation of standardized tobacco plain packaging in New Zealand. Despite the existence of comprehensive restrictions on the advertising and promotion of tobacco in New Zealand, the packaging of these products has remained a notable medium for tobacco companies to continue marketing their brand. As packaging is an extremely effective means of appealing to and influencing the perceptions of consumers, RACS welcomes the proposed regulations in the consultation document. RACS believes that such measures will be invaluable in assisting New Zealand to meet its vision for a Smokefree Aotearoa in 2025 and urges the government to bring the regulatory regime into force as soon as possible.

### Size and quantities of tobacco products

RACS supports the proposed regulations relating to the sizes and quantities of tobacco products. Alongside requiring cigarette packaging to be uniform in its shape and design, it is important that packaging dimensions, cigarette dimensions, and cigarette quantities are also standardised to limit the ability for individual brands to appeal to consumers through variation. To this end, RACS agrees with the dimensions proposed in regs 20 and 23 pertaining to cigarettes their packaging respectively.

RACS also agrees with restricting the number of cigarettes in a pack to only 20 or 25 as proposed by reg 22, although preference would be for this to be limited only to 20. RACS notes that a higher number of cigarettes in a pack may promote consumption, whereas smaller packs may be more likely to appeal to younger users with limited means.

RACS believes that the same principles equally apply to loose tobacco and cigars, and supports Parts 3 and 4 of the proposed regulations.



**Permitted Markings on tobacco packages**

Broadly speaking, RACS agrees with the proposed regulations relating to permitted markings on tobacco packages. In principle, RACS believes that these markings should only be permitted in-so-far as they are the minimum markings required for effective manufacture and anti-counterfeit purposes, and should be as indistinct as possible.

Thank you for this opportunity to comment on the *Standardised Tobacco and Packaging Draft Regulations*. We applaud the government for progressing with this important initiative.

Yours sincerely

A redacted signature and name, consisting of two solid black rectangular boxes. The top box is smaller and positioned above the larger bottom box.

## Auckland Regional Public Health Service

Rātonga Hauora ā Iwi o Tamaki Makaurau



Working with the people of Auckland, Counties Manukau and Waitemata

Auckland Regional Public Health Service

Cornwall Complex

Floor 2, Building 15

Greenlane Clinical Centre

Private Bag 92 605

Symonds Street

Auckland 1150

29 July 2016

Ministry of Health  
Wellington

[standardisedtobacco@moh.govt.nz](mailto:standardisedtobacco@moh.govt.nz)

### Submission on Standardised Tobacco Products and Packaging Draft Regulations

Thank you for the opportunity for Auckland Regional Public Health Service (ARPHS) to provide a submission on the Standardised Tobacco Products and Packaging Draft Regulations.

The following submission represents the views of the Auckland Regional Public Health Service and does not necessarily reflect the views of the three District Health Boards it serves. Please refer to **Appendix 1** for more information on ARPHS.

Yours sincerely,

Auckland Regional Public Health Service

Auckland Regional Public Health Service

## Summary:

1. ARPHS thanks the Ministry of Health for the opportunity to submit on the proposed regulations for the Standardised Tobacco Product Packaging and overall supports the regulations.
2. ARPHS has a strong role in advocating for smoke-free environments and advancement of demand and supply interventions to reduce smoking incidence and prevalence in Tamaki Makaurau. Our enforcement officers monitor the supply of tobacco products by retailers.
3. This submission provides general recommendations to the regulations proposed.

ARPHS suggests the regulations contain provisions that reflect the following recommendations:

1. That the use of dissuasive sticks should be considered.
2. The filter tip of the cigarette sticks be consistent with the packaging colour Pantone 448C instead of a plain white or imitation cork.
3. The inner surface of cigarette packs is changed from white to a Pantone 448C colour to match the outside colour of the pack.
4. The foil linings of cigarette packs should not be detachable from the package.
5. The regulations should restrict the ability of tobacco companies using misleading variant names and slogans to attract consumers.
6. Clearly define in the regulations that the variant names cannot be changed or modified after the publication of the regulations.
7. Change the packaging of loose tobacco from soft plastic pouches to proper rigid containers with large graphic health warnings (consistent with other packaging).
8. The regulations make a decision regarding how many cigars are permitted in one pack to promote a more standardised packet.
9. The surface colour of cigars and their packaging is consistent with the colour (Pantone 448C) of cigarette and loose tobacco packaging.
10. The regulations require the printing of the country of manufacture on tobacco product and packaging.
11. The words "unaltered" or "unchanged" be used to describe the permitted colour of all tobacco products rather than "natural".
12. Powers of enforcement officers need to be looked at closely so that they can feasibly enforce/ monitor the regulations; it is suggested that the offense be defined as

possession of tobacco in packaging in an amount not for personal use (i.e an amount over two packets).

13. The regulations include a section for standardising shisha product packaging. Shisha packaging containing tobacco should be compliant with the standardised packaging regulations.
14. Recognise the online tobacco product sales market, and that this is included within the regulations.

## Questions and Recommendations:

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

1. ARPHS agrees with the proposed regulations to standardise the shape and colour of cigarette, loose tobacco and cigar products and packages. However we recommend that the following points should be considered in relation to the size and quantity of cigarettes, loose tobacco and cigars in packages.
  - The regulations should offer only one pack size instead of two options. This is consistent with the rationale to restrict choice.
  - The subsequent increased price of tobacco products also discourages consumers from purchasing tobacco products alongside increased size of health warnings.<sup>1,2</sup>
  - Standardised packaging in Australia sold packs of 20 to 25 cigarettes between the prices of \$15 and \$17, and found there was a slight risk caused by a super-value allure to consumers.<sup>3</sup> Consumers were likely to purchase a different brand to their usual because it was a cheaper price, or was a super value pack containing more cigarettes for a cheaper price. Therefore, the regulations under the new section 36A must account for the price retailers sell super value tobacco products i.e. supermarkets that can purchase in bulk can negotiate a lower price for tobacco products from manufacturers and therefore can set the retail price lower than recommended (especially for value packs).<sup>2</sup>
  - It is also important that the standard pack size should be met with the continuation and increase of services designed to support smokers to quit and stay quit.<sup>4</sup>
2. ARPHS suggests that the use of dissuasive sticks should be considered by the regulations. For example making the entire cigarette stick including the filter tip

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<sup>1</sup> Blakely, T., Cobiac, L. J., Cleghorn, C. L., Pearson, A. L., van der Deen, F. S., Kvizhinadze, G., ... & Wilson, N. (2015). Health, health inequality, and cost impacts of annual increases in tobacco tax: Multistate life table modeling in New Zealand. *PLoS Med*, *12*(7), e1001856.

<sup>2</sup> Wilson, N., Thomson, G., & Edwards, R. (2008). Use of four major tobacco control interventions in New Zealand: a review. *NZ Med J*, *121*(1276), 71-86.

<sup>3</sup> Scollo, M., Zacher, M., Coomber, K., Bayly, M., & Wakefield, M. (2015). Changes in use of types of tobacco products by pack sizes and price segments, prices paid and consumption following the introduction of plain packaging in Australia. *Tobacco control*, *24*(Suppl 2), ii66-ii75.

<sup>4</sup> Thomson, G. (2007). Report on Tobacco Taxation in New Zealand.

Pantone 448C has the potential to effectively further the purpose of standardised packaging by reducing the appeal to smoke tobacco products.<sup>5</sup>

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

3. ARPHS supports the proposed regulations to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter restrictions.
4. We recommend the filter tip of the cigarette sticks be consistent with the packaging colour Pantone 448C instead of a plain white or imitation cork.

**Question 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 include?**

5. ARPHS is in support of the proposed regulations to restrict the dimensions of the cigarette packs. However we recommend the regulations consider the following recommendations to improve the packaging of cigarettes:

**Inner Surface Colour**

6. To further reduce any appeal of the product we recommend that the inner surface of cigarette packs is changed from white to a Pantone 448C colour to match the outside colour of the pack.

**Foil Lining**

7. Regulation 25(d) should be strengthened by removing the word "*easily*" and state packs cannot be detachable. Insuring the lining is non-removable from the package restricts consumers from disposing of the standardised package and using the foil lining as an attractive package.

**Variant Names**

8. Variant names are used by manufacturers to mislead consumers with descriptive words including the mention of colour i.e. Red or misleading slogans i.e. Optimum

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<sup>5</sup> Hoek, Janet, Philip Gendall, Christine Eckert, and Jordan Louviere. "Dissuasive cigarette sticks: the next step in standardised ('plain') packaging?." *Tobacco control* (2015): tobaccocontrol-2015.

Crush Sky. ARPHS suggests the regulations restrict the ability of tobacco companies using misleading variant names and slogans to attract consumers.<sup>6</sup>

9. We also recommend clearly defining in the regulations that the variant names cannot be changed or modified after the publication of the regulations.

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

10. ARPHS recommends changing the packaging of loose tobacco from soft plastic pouches to proper rigid containers with large graphic health warnings.

- Loose tobacco (roll your own) is an attractive method of consuming tobacco by itself or in combination with factory made tobacco products for a large proportion of New Zealand smokers. Disadvantaged groups and young people who smoke are the highest consumer of tobacco in the form of roll your own cigarettes.<sup>7</sup>
- Evidence suggests that though health warnings size and design are the same as on cigarette packages, the soft plastic pouches are not effective in keeping the warnings intact as they tend to tear and fade quicker over time.<sup>8</sup>

**Question 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?**

11. ARPHS suggests the regulations make a decision regarding how many cigars are permitted in one pack rather than providing an option of single, five or ten cigars. The standardisation of a number in each pack ensures the consumption of cigars is restricted & consumer choice is limited.

**Question 7: Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product changes?**

12. The proposed regulations state the appearance of barcodes on cigar packs will be a Pantone 448C but does not mention the exact colour of cigars and their packs.

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<sup>6</sup> Greenland, S. J. (2013). Cigarette brand variant portfolio strategy and the use of colour in a darkening market. *Tobacco control*, tobaccocontrol-2013.

<sup>7</sup> Young, D., Wilson, N., Borland, R., Edwards, R., & Weerasekera, D. (2010). Prevalence, correlates of, and reasons for using roll-your-own tobacco in a high RYO use country: findings from the ITC New Zealand survey. *Nicotine & tobacco research*, ntq155.

<sup>8</sup> Li, J. M. C. (2015). *The Effects of Tobacco Graphic Health Warnings on Smokers* (Doctoral dissertation, University of Otago).

ARPHS recommends the surface colour of cigars and their packaging is consistent with the colour (Pantone 448C) of cigarette and loose tobacco packaging.

**Question 11: Should the regulations allow for the country of manufacturer to be printed on tobacco products or packages?**

13. ARPHS recommends the regulations require the printing of the country of manufacture on tobacco product and packaging.

- The World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC) article 15 on illicit trade states that retail packets and packages carry on them some sort of tracking mark belonging to a database or system that allows authorities and manufacturers to track origin and reduce counterfeiting marks on products.<sup>9</sup> If the Ministry decided to adopt this FCTC recommendation, it needs to have an appropriate monitoring process and system to track tobacco packages and products consistently.<sup>10</sup> This could also support policing and addressing concerns with the illegal trade and black market supply of tobacco in NZ.

**Additional features**

**Question 12: Are there any additional features within the scope of the regulation-making powers in the smoke-free environments amendment bill that might increase the effectiveness of standardised tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?**

**Wording Used to Describe Tobacco**

14. ARPHS suggests the regulations be aware of the wording used to describe the colour of tobacco products in part 1(7). The use of the word "natural" to describe tobacco products does not mean that the product has been unchanged. We suggest the words "unaltered" or "unchanged" to describe the permitted colour of all tobacco products.

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<sup>9</sup> Paynter.J, Ester.U, Jooseens. L. (2010). *Illicit Tobacco Trade: Monitoring and Mitigating Risk in New Zealand*. Action on Smoking and Health (ASH). Retrieved from: [http://www.ash.org.nz/wp-content/uploads/2015/03/Illicit\\_Tobacco\\_Trade.pdf](http://www.ash.org.nz/wp-content/uploads/2015/03/Illicit_Tobacco_Trade.pdf)

<sup>10</sup> World Health Organisation. (2003). WHO Framework Convention on Tobacco Control. Geneva, Switzerland. World Health Organisation.



## Enforcement

15. The regulations aim to cover both compliance and enforcement of products. However, the proposed regulations focus heavily on the packaging of tobacco products and lack detail on the role of enforcing compliance of standardised packaging. Powers of enforcement officers need to be looked at closely so that they can feasibly enforce/ monitor the regulations. For example, power to require retailers to show all their stock available for sale. This would help combat retailers ordering tobacco products online, and importing packaged tobacco products from overseas that are non-compliant with the regulations.
16. The proposed Bill should also be clear regarding the nature of the offense, whether it is the stocking of tobacco that does not comply with the proposed Bill, or the sale and supply. ARPHS recommends that burden of proof for intent to sell is sometimes difficult to establish and that the intent of the revision would be best implemented if it is an offense to possess tobacco that does not meet the Bill's requirements in a greater quantity than is permitted for personal use. The quantity allowed for personal use should be defined by the Bill and preferably in a manner that limits opportunities to circumvent the intent of the Bill (i.e personal use is the quantity of two packets or less).

## Inclusion of Tobacco Shisha Products

17. One of the main aims articulated in the smoke-free environments amendment bill for the standardisation of tobacco product packaging is to stop misleading consumers on the health impacts of tobacco.
18. Currently shisha product packaging in New Zealand is similar to non-standardised cigarette packaging in attracting consumers with colourful packaging, fruity scents and flavours. The marketing of shisha products misleads consumers on the amount of tobacco inhaled through it, and the resulting effects including respiratory diseases, heart problems, oral, lung and stomach cancer.<sup>11,12</sup>
19. ARPHS recommends that the regulations include a section for standardising shisha product packaging. Shisha packaging containing tobacco should be compliant with the standardised packaging regulations.

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<sup>11</sup> Centers for Disease Control and Prevention. *Smoking & Tobacco Use*. Retrieved from: [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/)

<sup>12</sup> British Heart Foundation. *Shisha*. Retrieved from: <https://www.bhf.org.uk/heart-health/risk-factors/smoking/shisha>

20. We suggest standardised packaging regulations for shisha products containing tobacco similar to the proposed regulations for cigarette packaging. This includes restricting:

- The dimensions of pack size to restrict the amount available to smoke.
- The colour of packs to be changed to Pantone 448C.
- The typeface of packages to be Lucida Sans.
- Health warnings to cover at least 75% of front surface space.
- Health warnings to cover at least 75% of back surface space.
- No embellishments on package or wrapper.
- No added inserts on package or product wrapper inside to market the product.

21. The standardisation of Shisha product packaging will help reduce manufacturers and retailers from misleading people on the safety of consuming shisha containing tobacco.<sup>13</sup>

### **Online Tobacco Products**

22. ARPHS also recommends the regulations recognise the online tobacco product sales market. Currently there are no regulations or mechanisms in place to monitor online selling and purchasing of tobacco products. There is no mention of the online market and the risk it can pose to normalising tobacco consumption for younger generations who are more likely to utilise online forums to sell and swap tobacco products.<sup>14,15</sup> Therefore, tobacco products sold online should be compliant with the standardised tobacco product packaging regulations.

23. ARPHS recommended wording regarding the offense relating to standardised packaging, paragraph 14, could support concerns of online trade undermining the intent of the proposed Bill. A personal use limit of two packets or less would prohibit the online purchase and import of cigarettes packs not compliant with the proposed Bill.

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<sup>13</sup> World Health Organisation Study Group on Tobacco Product Regulation. Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators.

<sup>14</sup> Tobacco Control Legal Consultation. (2016). E-Cigarettes and Other Tobacco Products Online: Preventing Sales to Kids. United States of America: Mitchell Hamline School of Law, Public Health Law Center.

<sup>15</sup> Ribisl, K. M. (2003). The potential of the internet as a medium to encourage and discourage youth tobacco use. *Tobacco control*, 12(suppl 1), i48-i59.

## **Appendix 1 - Auckland Regional Public Health Service**

Auckland Regional Public Health Service (ARPHS) provides public health services for the three district health boards (DHBs) in the Auckland region (Auckland, Counties Manukau and Waitemata District Health Boards).

ARPHS has a statutory obligation under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities in the Auckland region. The Medical Officer of Health has an enforcement and regulatory role under the Health Act 1956 and other legislative designations to protect the health of the community.

ARPHS' primary role is to improve population health. It actively seeks to influence any initiatives or proposals that may affect population health in the Auckland region to maximise their positive impact and minimise possible negative effects on population health.

The Auckland region faces a number of public health challenges through changing demographics, increasingly diverse communities, increasing incidence of lifestyle-related health conditions such as obesity and type 2 diabetes, infrastructure requirements, the balancing of transport needs, and the reconciliation of urban design and urban intensification issues.

27 July 2016

Ministry of Health  
PO Box 5013  
Wellington 6145

By email: [standardisedtobacco@moh.govt.nz](mailto:standardisedtobacco@moh.govt.nz)

### **Standardised Tobacco Products and Packaging Draft Regulations**

Dear Sir/Madam

The New Zealand Medical Association (NZMA) wishes to provide feedback on the above consultation. The NZMA is New Zealand's largest medical organisation, with more than 5,500 members from all areas of medicine. The NZMA aims to provide leadership of the medical profession, and to promote professional unity and values, and the health of all New Zealanders. Our submission has been informed by feedback from our Advisory Councils and Board.

The NZMA is pleased that improved tobacco control in New Zealand is being supported and progressed through legislative processes and we welcome the opportunity to provide feedback on the exposure draft of the proposed regulations which will set out the detailed requirements for standardised tobacco products and packaging.

We strongly support the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, introduced in 2013, and while we remain disappointed that it has yet to have its second reading in the House, we acknowledge the Government's commitment to complete the legislative process now. In our 2014 submission<sup>1</sup> on the Bill we noted the strong evidence to support plain packaging, and we reconfirm our support of all measures that protect the community and future generations from exposure to tobacco industry marketing.

We also realise that some submitters may choose to emphasise possible expropriation of their intellectual property. While we fully acknowledge their right to do so, we wish to again emphasise the important health dimensions of tobacco promotion and use – which indeed is the NZMA's job to do so. Any expropriation occurring must be balanced against both the immense losses to NZ society from the life years lost, quality of life lost, through premature death and pre-fatal disease from tobacco, and the huge costs to the NZ health sector from tobacco-induced illness. Losses to the tobacco industry will pale in comparison, and we await the health sector receiving compensation for those past harms and opportunity costs.

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<sup>1</sup> NZMA submission to Parliament's Health Select Committee on the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, 2014. [http://www.nzma.org.nz/\\_data/assets/pdf\\_file/0018/26532/sub-Smoke-free-Environments-Tobacco-Plain-Packaging-Amendment-Bill.pdf](http://www.nzma.org.nz/_data/assets/pdf_file/0018/26532/sub-Smoke-free-Environments-Tobacco-Plain-Packaging-Amendment-Bill.pdf)

We do not have the marketing expertise to assess the detail in this consultation, however we note the introductory comment that the proposals align with the regulatory regime in Australia and therefore the packaging should be substantially the same. Given the emerging evidence in Australia<sup>2</sup> of the effectiveness of their legislation, implemented in 2012, this gives us some confidence that the New Zealand regulations will fulfil the objectives of the Bill when it is passed.

The NZMA's support of these proposals therefore rests on the close alignment with the Australian regime. We would have major concerns if, following this consultation, there was a deviation from this unless that change further reduced the impact of tobacco marketing.

We hope our feedback has been helpful and look forward to learning the outcome of this consultation.

We confirm that the New Zealand Medical Association has no links to the tobacco industry.

Yours sincerely



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<sup>2</sup> Young JM, Stacey I, Dobbins TA, Dunlop S, Dessaix AL, Currow DC. Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis. *MJA*, 2014; 200:29–32. Durkin S, Brennan E, Coomber K, Zacher M, Scollo M, Wakefield M. 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:ii26 – ii32.

# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation:

[REDACTED]

Company organisation name and address:

Amcor Group GmbH, Thurgauerstrasse 34, 8050, Zurich, Switzerland

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.

Amcor Group GmbH supplies the tobacco industry with tobacco packaging, including folding carton and flexible laminate-based products. With over 150 years of history and experience supplying thousands of customers across 43 jurisdictions, the opinions set out in this document presents those of an independent packaging manufacturer and standalone, publicly traded company **voicing our own high standards on responsible packaging.**

### Additional information

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

- New Zealand      - Australia       Other (please specify):

Global manufacturing with corporate headquarters in Switzerland, Atlanta and Singapore

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

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

- Other (please specify):

## Please return this form to:

Email: [standardisedtobacco@moh.govt.nz](mailto: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.

N/A

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.

N/A

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

**X** No

Please outline your reasons.

Amcor strongly believes that packaging differentiation and complexity, including pack format, is the best natural deterrent against illicit tobacco trade. Operating within parameters set by the Government; this implies differentiated branding on tobacco packaging in combination with highly complex print features that alternate on a regular basis.

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?

N/A

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?

N/A



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

- Yes

**X** No

Please outline your reasons below.

Amcor strongly believes that packaging differentiation and complexity, including pack format, is the best natural deterrent against illicit tobacco trade. Operating within parameters set by the Government; this implies differentiated branding on tobacco packaging in combination with highly complex print features that alternate on a regular basis.

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.

N/A

## **Permitted markings on tobacco packages**

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

**X** Yes

- No

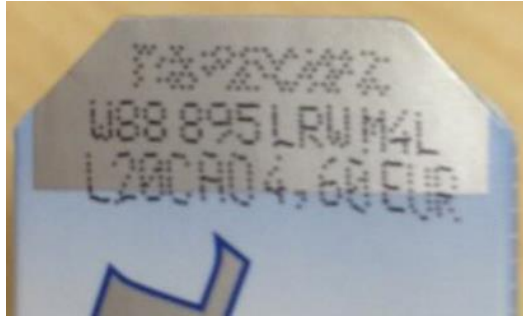
Please provide detail and reasons below.

The future application of anti-counterfeiting marks, such as track and trace and security / authentication features should be carefully considered.

In order to retain a high level of complexity and security, legislation should **include wording that allows the possibility to regularly rotate or change features** in terms of technology, application methods, and positioning on each pack.

Key considerations should include:

1. the possibility of a small area on the bottom of each pack to allow for track and trace coding requirements (image included below)



2. the possibility that dedicated space may be needed on the outside of the pack for future security features (for example for holographic security stamps, specialist inks, tax stamps, etc)

- 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.

Modern (non-standardized) cigarette packs are a sophisticated product which forces counterfeiters to overcome highly costly barriers in order to produce partly-convincing copies. The production process enables hi-tech printing from state-of-the-art equipment using enhanced design features such as embossing, debossing, hot-foil stamping and UV varnish. It also enables hi-tech functionality such as automated creasing, cutting and gluing which can produce unique packaging features such as rounded edges and push up buttons.

These features, which can be visible and invisible and can be constantly changed and updated, are not synonymous with branding and can provide a basis for authentication with or without additional affixed features. New innovations in print and digital techniques are constantly evolving and policy makers should allow for and encourage natural market innovation in the name of consumer protection.

Amcor also urges the Government to refrain from recommending technology specific solutions for anti-counterfeiting marks that will in any way reduce competition in the marketplace and thereby restrict packaging and technological innovation. The more standard the anti-counterfeiting mark, the easier it becomes to accurately copy. The Government should therefore adopt technology-neutral guidelines for any anti-counterfeiting mark in order to allow the market to develop effective solutions to the evolving nature of future problems faced.

Simultaneously, any anti-counterfeiting mark suggested in legislation should be indelible and irremovably affixed to the pack (as per EU TPD2) – characteristics which many current technologies do not comply with, such as tax stamps. This is to reduce the ability of counterfeiters to remove the feature with special methods, such as the use of chemicals or steaming to remove adhesives. Labels, whether called tax stamps or by any other name, when affixed to packs can only authenticate the label itself and not the pack or its contents. Instead, Amcor would recommend anti-counterfeiting marks to be integrated irreversibly during the converting process or up the supply chain during the creation and handling of raw materials.

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

X Yes

- No

Please provide detail and reasons below.

Please see answer to question 8.

Additional considerations include bar codes for retail purposes and possible additional product information printed on the pack for consumer use. All other printing features (such as registration marks) do not show on the outside of tobacco packaging and therefore do not need to be considered here.

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.

N/A

## **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.

N/A

## 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.

Amcor Group GmbH would like to officially notify the New Zealand Government that – as one of the world’s leading packaging supplier across many different industries - we have major concerns around the proposal for standardised packaging, and believes that such legislation will lead to dangerous consequences.

We ask that the audience of this document read and carefully consider the attached files: our initial submission to the New Zealand Government in 2012, and our Post-Implementation Review submitted on request from the Australian Government in 2015.

In these materials, we provide further information on the complexity of industrial folding carton printing and converting processes, as well as fact-based evidence that a standardised approach to tobacco packaging would result in:

1. **Rise of illicit trade:** standardised packaging lowers barriers of entry into the tobacco market, leading to de facto creation of scale benefits for criminal organisations trading in counterfeit tobacco, as seen in the case of Australia
2. **Greater health risks:** counterfeit tobacco exposes consumers to hazardous ingredients of unknown origin
3. **Misinformed consumers:** standardised packaging limits the ability of consumers to authenticate and differentiate between legitimate and illicit tobacco products

Given the inconclusive evidence around the public health benefits of Australia’s standardised packaging implementation versus the well documented health risks related to counterfeit products, Amcor believes that standardised packaging should not be implemented. We recommend that the Government should rather focus on a solution that maintains, if not increases, the level of packaging complexity, including security, brand and design features that can be changed on a regular basis. This would act as a more effective shield against the criminal organisations driving illicit tobacco trade.

Amcor is willing and ready to work with the Government on understanding the impact of various options available for implementing tobacco packaging regulations. Amcor is a longstanding member of leading industry bodies such as the European Carton Makers Association (ECMA) that have an established track record of supporting policy solutions, working with a range of national governments and institutions.

# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation:

██████████

Company organisation name and address:

On behalf of the Hawke's Bay Smokefree Coalition, a group consisting of representatives from 16 member organisations, including representatives from government agencies, NGOs, community groups, and individuals that have an interest in working together to minimise tobacco related harm  
c/- PO Box 447 Napier 4140

Contact phone number and email address:

██

### 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.

Hawke's Bay Smokefree Coalition gives permission for our submission comments to be released as required.

### 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.

The Hawke's Bay Smokefree Coalition and its members have no links to 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                                       | <input type="checkbox"/> Non-governmental organisation          |
| <input checked="" type="checkbox"/> Other <i>(please specify)</i> : Coalition Group |   |

## Please return this form to:

Email: [standardisedtobacco@moh.govt.nz](mailto: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.

We support the proposals to limit numbers of cigarettes per pack to 20 or 25, and loose tobacco to 30 or 50 grams. This will prevent opportunities for alternative, distinctive pack sizing, which could be used as a marketing tool.

We also recommend a further pack size limitation be implemented from 2020 to reduce consumer choice to one single cigarette pack size and one quantity of 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

No

Please outline your reasons.

We support the proposals to restrict the dimensions of cigarette sticks. However, we recommend strengthening the regulations to require a standard size of cigarette stick to one length and one diameter. This will ensure production of alternatives is limited, which in turn will restrict marketing opportunities to distinguish between brands and/or variants within brands.

Similarly, we also recommend the regulations require a single standard size for tobacco rolling papers to reduce scope for manipulation and marketability.<sup>1-3</sup>

- 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 the proposal to set pack dimension limits. We recommend however that these be further standardised to reflect one standard size of cigarette sticks, as outlined in section 2 above. This will further prevent brand variations being used for marketing purposes.<sup>1-3</sup>

- 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?

We do not support the proposal that loose tobacco should only be sold in soft plastic pouches. We recommend the regulations require loose tobacco to be sold in hard (solid) containers only, which should be of a standard single size.

Parts of loose pouches are able to be folded over and 'hidden' from sight, resulting in reduced exposure of health warnings and Quitline information. Standardised packaging needs to ensure maximum exposure of these and rigid, hard packs for loose tobacco support this aim.

- 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?

We agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars to be sold in a pack. This will ensure consistency across all cigar types and variants, and across all tobacco products.

We also recommend that consumer choice is limited to one specified cigar pack size from 2020, with a ban on the sale of single cigars from this time.

- 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.

We support the regulations including a provision for setting a minimum size for all tobacco packages, including cigar packages. Minimum sizing will ensure health warning messages and Quitline information has maximum exposure that is not diluted through small package alternatives that may be designed by the tobacco industry.<sup>4</sup>

- 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 refer to Q12.

## 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.

Refer response to Q8.

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.

We do not believe other marks or features on tobacco product packages are required to allow for automated manufacturing and packaging processes. To do so would potentially allow for introduction of alternative marketing of these products.

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.

We do not believe country of manufacture needs to be printed on tobacco products or packages as this could introduce marketing advantage. We support the proposal to use a unique identification code (alphanumeric only) to determine the origin of 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.

1. We recommend improved, more prominent, display of the Quitline and smoking cessation information on all tobacco packaging to encourage more smokers to become smokefree. New Zealand research found easier to read Quitline and cessation information was more likely to encourage smokers to consider quitting.<sup>5</sup> We strongly recommend the “Two-Panel Label Format” design from the Hoek et al research<sup>5</sup> is made mandatory for all tobacco packaging.
2. We support the requirements to standardise the appearance of cigarette sticks. However, we recommend these go further than specified in the draft regulations to include:
  - 1 single diameter for all cigarette sticks (not 2 diameters, as proposed)
  - 1 single length for all cigarette sticks (not a minimum length only, as proposed)
  - 1 single length for all cigarette filters
  - 1 size for ‘roll your own’ tobacco papers
  - One unattractive colouring for all cigarette sticks and ‘roll your own’ tobacco papers, to be Pantone 448C to match packaging colouring

A large body of research, including from New Zealand,<sup>5-8</sup> indicates that undesirable colouring has an impact on public perception of appeal of tobacco products.<sup>1</sup>
3. We recommend the regulations include a requirement for no new brands or variants of tobacco products as at the date of the *draft* regulations being published. The aim is to prevent the introduction of new names on brands, as was experienced in Australia during the introduction of their plain packaging.<sup>4</sup> Other overseas research indicates a similar experience.<sup>2</sup> 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 be.<sup>9</sup> Standardised packaging represents an opportunity to remove descriptors completely.
4. We support the proposals in the draft regulations on pack warning sizes. We recommend however that consideration be given to two-yearly reviewing, refreshing and/or rotating of the warnings to reduce the likelihood of the smoker population becoming ‘immune’ to these over time.<sup>10</sup> Some of the current health warnings are less salient amongst particular smoker groups, particularly young people.<sup>9</sup> Pregnant teenagers in Australia were found to be taking up smoking in an attempt to reduce the birth weight of their unborn babies, after reading the birth weight warnings on tobacco packs.<sup>11</sup> The warning labels need to feature diverse messages that are regularly refreshed.
5. We recommend the regulations include specific requirements about prohibiting flavourings being added to filters, papers, or tobacco. A large number of tobacco additives are known to be flavours and flavouring additives improve the palatability of smoked tobacco.<sup>12</sup> Tobacco companies have developed new product innovations, including capsule (or ‘crush’) cigarettes. These products have a flavour capsule within the stick filter, which when squeezed releases a flavour. Flavouring additives are a potential marketing tool, enabling a competitive edge through building consumer loyalty. Additives may also encourage an increase in smoking initiation.
6. Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers’ self-efficacy. Research found that reading of the inserts increased over time and this was associated with more quit attempts and more sustained quit attempts.<sup>13</sup> We recommend the regulations require all tobacco packages to include inserts modelled on the Canadian regulations.<sup>14</sup>
7. We have the following specific comments on the draft regulations:
  - Part 1, subpart 2, 14: Add the following or similar - ‘must not contain any writing, symbols or other markings’.
  - Part 1, subpart 2, 20: Add the following or similar - ‘must not contain any writing, symbols or other markings’.
  - Part 1, subpart 2, 25: Add the following or similar - ‘must not contain any writing, symbols or other markings’.
  - Part 1, subpart 3, 30 (1 and 2): Add the following or similar - ‘must not contain any writing, symbols or other markings’.
  - Part 1, subpart 3, 32: Adjust the wording to read – ‘A loose tobacco pack may have one or more non-removable adhesive labels affixed to it in order to display required warnings only.’
  - Part 1, subpart 4, 41(4): Recommend the inclusion of – ‘to be in Lucida Sans typeface no larger than 8 point font size’ (in line with cigarettes and roll your own tobacco 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.

### Learning from the Australian experience

Australia's plain packaging approach provides an excellent model on which to base New Zealand's regulations. However the Australian experience of, and learnings from, implementing standardised packaging also provides an opportunity for New Zealand's regulations to extend and improve upon what Australia implemented.

New Zealand research recommends focusing on four key areas: preventing proliferation of brand variant names, improving the pictorial warning labels so these resonate more with smokers, introducing dissuasive cigarette sticks and rolling papers, and foregrounding Quitline information and supportive cessation messages on packages.<sup>11</sup>

We recommend these issues are comprehensively incorporated into the New Zealand regulations.

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