

PHILIP MORRIS (NEW ZEALAND) LIMITED'S SUBMISSION TO THE MINISTRY OF HEALTH ON THE STANDARDISED TOBACCO PRODUCTS AND PACKAGING DRAFT REGULATIONS: CONSULTATION DOCUMENT 2016

On 31 May 2016, the Ministry of Health released a Consultation document seeking comments on the draft standardised tobacco products and packaging regulations (draft regulations). This submission outlines Philip Morris (New Zealand) Limited's (PMNZ) views on a number of consultation questions in regard to the draft regulations.

PMNZ supports the placement of health warning messages on tobacco packages that inform and remind smokers of the risks of smoking. Smoking causes serious and fatal diseases in smokers and is addictive, and adults who choose to smoke should continue to be reminded of that.

We also note that the World Trade Organization has yet to rule on the disputes against Australia's tobacco plain packaging regime.

The *Smoke-free Environments (Tobacco Plain Packaging) Amendment* Bill states that the Act comes into force on a date appointed by the Governor-General by Order in Council. However, if this Act is not in force by the day that is 18 months after the date on which it receives the Royal assent, it comes into force on that day. Even after the regulations are finalised, meeting the new standardised tobacco packaging and tobacco products regime entails major industrial changes in the way our products are manufactured, stocks managed and delivered at retail locations. The proposed plain packaging requirements contemplate changes that are quantitatively and qualitatively much more significant than existing law and go beyond the requirements currently in Australia. Therefore we propose that a minimum of 12 months implementation be allowed for manufacturers and distributors from the time of Royal Assent and the new regulations are made, whichever will come later. This timeframe is in line with the change from text to graphic health warning in 2007.

It is essential that retailers be afforded a realistic period for managing stock and change-over issues. Specifically, we recommend a sell-through period of six months during which retailers, many of which are small family-owned businesses can sell existing branded stock. We note that UK's legislation allows 12 months for retailers to sell through branded stock.

As you are aware, the World Trade Organisation has yet to rule on the international challenges against Australia's plain packaging laws. Any amendments to the regulations following the WTO panel reports (due "*not before the end of 2016*")¹ need to be

¹ https://docs.wto.org/dol2fe/Pages/FE_Search/DDFDocuments/229732/q/WT/DS/441-20.pdf

reflected in the implementation timeframe for manufacturers and distributors. Therefore a minimum of 12 months implementation be allowed from the time of the gazettal of any amended regulations.

With respect to proposed anti-counterfeiting marks on tobacco packages and cigarettes, it is important to note that the benefit of tracking and tracing is contingent on global inter-operability (e.g. from one country to the next), therefore it is important that it allows technologies that are based on open standards (e.g. GS1 open standards) so that it can interact with other national tracking & tracing systems at global and regional level. This is a requirement of the Illicit Trade Protocol and is detailed extensively in the note prepared by the FCTC Convention Secretariat titled, *“Analysis of the available technology for unique markings in view of the global track-and-trace regime proposed in the negotiating text for a protocol to eliminate illicit trade in tobacco products.”*²

We further propose that tobacco product packages allow for date of production, principally for any potential recalls – this is generally in line with packaging requirements for all consumer products. We don’t propose that tobacco product packages require country of manufacture to be printed on tobacco products or packages.

² Specifically at: § 36 (iii)): http://apps.who.int/gb/fctc/PDF/it4/FCTC_COP_INB_IT4_ID1-en.pdf



28 July 2016

Submission to the Ministry of Health:

Standardised Tobacco Products and Packaging Draft Regulations

The New Zealand College of Public Health Medicine would like to thank the Ministry of Health for the opportunity to make a submission on the Standardised Tobacco Products and Packaging Draft Regulations.

The New Zealand College of Public Health Medicine (NZCPHM) is the professional body representing the medical specialty of public health medicine in New Zealand. We have 224 members, all of whom are medical doctors, including 187 fully qualified Public Health Medicine Specialists with the majority of the remainder being registrars training in the specialty of public health medicine.

Public Health Medicine is the branch of medicine concerned with the assessment of population health and health care needs, the development of policy and strategy, health promotion, the control and prevention of disease, and the organisation of services. The NZCPHM strives to achieve health gain and equity for our population, reducing inequalities across socioeconomic and cultural groups, and promoting environments in which everyone can be healthy.

The NZCPHM recognises that tobacco smoking is a leading cause of preventable death and health inequalities in New Zealand¹ and supports the Standardised Tobacco Products and Packaging Draft Regulations. In New Zealand, it is estimated that smoking is responsible for 4500-5000 deaths every year (including deaths due to second-hand-smoke exposure)². Therefore the NZCPHM supports the goal of making Aotearoa New Zealand a smoke-free nation by 2025 and the numerous evidence based measures across different levels in obtaining this goal, including standardised packaging^{1,3}.

The NZCPHM has a strong policy stance over tobacco control including standardised packaging which is outlined in its Tobacco Control and Trans-Pacific Partnership Agreement policies^{1,3}. We support standardised packaging as part of a comprehensive range of measures to help New Zealand achieve the goal of a smoke-free nation⁴. Standardised packaging will reduce the attractiveness of the tobacco product, particularly for younger people, thereby contributing to a reduction in smoking prevalence in New Zealand⁴.

In addition to standardised packaging, the NZCPHM supports other evidence based population level tobacco control interventions such as increasing the unit price of tobacco products, mass media campaigns, smoking cessation, school-based education programmes and smoke-free environments legislation to reduce the prevalence of smoking⁵.

In summary, the NZCPHM supports the Standardised Tobacco Products and Packaging Draft Regulations.

Thank you for the opportunity for the NZCPHM to submit on the Standardised Tobacco Products and Packaging Draft Regulations. We hope our feedback is helpful and please do not hesitate to contact the NZCPHM if we can be of further assistance.

Yours faithfully,



, NZCPHM

References:

1. New Zealand College of Public Health Medicine. Policy Statement on Tobacco Control. Wellington: New Zealand College of Public Health Medicine, 2012. Available at: http://www.nzcphm.org.nz/media/31244/2012_06_tobacco_control_policy_statement.pdf
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4. New Zealand College of Public Health Medicine. Submission to Ministry of Health on Proposal to Introduce Plain Packaging of Tobacco Products in New Zealand. Wellington: New Zealand College of Public Health Medicine, 2012. Available at: http://www.nzcphm.org.nz/media/31303/2012_10_04_nzcphm_plain_packaging_consultation.pdf
5. Wilson N. Review of the evidence for major population-level tobacco control interventions. Wellington: Ministry of Health, 2007. Available at: http://www.ccdhb.org.nz/Meetings/CPHACpapers/2007_06_14/infoonly/review-evidence-major-population-level-tobacco-control-interventions.pdf



Submission on the Draft Smoke-free (Standardisation of Tobacco Packaging and Tobacco Products) Regulations June 2016

Submission on behalf of:

Cancer Society of New Zealand.

Contact person:

[REDACTED]

[REDACTED]

69 Molesworth Street

Wellington

[REDACTED]

[REDACTED]

Submission addressed to:

standardisedtobacco@moh.govt.nz.

Date of submission

29th July 2016

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

Purpose of submission:

The Cancer Society is committed to helping reduce the incidence and impact of cancer. We congratulate the New Zealand Government for its commitment to the Smokefree Aotearoa 2025 goal. The implementation of standardised packaging is an important measure towards preventing smoking initiation and increasing cessation. Decreases in smoking rates as a result of implementing this measure will ultimately lead to an associated decrease in smoking related cancers and deaths.

We have commented on the specific submission questions, however also see this as an opportunity for New Zealand to not only keep up with recent proposals from countries such as Canada that go beyond those implemented by Australia, but to also reinstate New Zealand as a world leading in developing some unique regulations that set standardisation regulation across the board for tobacco and tobacco products. We submit that the standardised packaging regulations could be improved in five key areas:

- prohibition of new variants, including names, and/or innovative tobacco products or filters
- changes to stick appearance
- improved on-pack warnings
- prominence of Quitline and cessation information
- prohibition of flavouring additives in tobacco, filters and/or tobacco products

Cancer Society Recommendations:

1. Prohibition of any new tobacco products or variants or new variant names being introduced onto the market
2. All cigarette sticks and rolling papers to be coloured Pantone 448C, with cigarette sticks, rolling papers, and cigars each having a single standard size
3. Ongoing development of pack warnings that are more relevant to priority populations and that are on a frequent rotation cycle
4. Quitline and cessation information placement improved to provide the greatest visual impact.
5. Disallow added flavourings in filters, papers or tobacco present to improve palatability to prevent flavouring becoming the next marketing tool for the tobacco industry



Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:

[REDACTED]

Company organisation
name and address:

The Cancer Society of New Zealand, Ranchhod House, 39 The Terrace, Wellington

Contact phone number and
email address:

[REDACTED] [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.

Cancer Society New Zealand give permission for our details to be released under 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.

Cancer Society New Zealand do not have any direct or indirect 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)*



Overseas manufacturer



New Zealand-based manufacturer



Importer



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.

We support the proposal to *standardise* the number of cigarettes in a pack to either 20, or 25, and the amount of loose tobacco to 30 grams or 50 grams. Standardising the number of cigarettes and amount of loose tobacco in packs will prevent marketing tactics that offer extras and bonus packs.

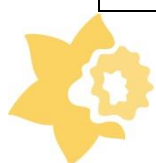
- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

☒ Yes

☐ No

Please outline your reasons.

We fully support the proposal to restrict the dimensions of cigarette sticks with both minimum and maximum length and diameter. We recommend amending the regulations to standardise the size of cigarette sticks to one single length. Australian experience has shown that any allowance in cigarette size can be used for marketing purposes and brand identification. This would standardise the look of cigarettes between brands and prevent cigarette size manipulation as a means to promote and market differences between brands. We also recommend a single standardised size for tobacco rolling papers for the same reasons^{1,2,4}.



- 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 agree with the proposals setting pack size limits. We recommend that the standardising of pack sizes be enhanced by requiring all cigarettes to be the same length and diameter to prevent brand variations for marketing purposes^{1,2,4}. Australian experience showed that any allowance in cigarette size can be used for marketing purposes and brand identification.

- 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 be sold only in soft plastic pouches.

We recommend rigid containers of a single standardised size for loose tobacco. This would enable maximisation of graphic images, warnings and Quitline information as well as prevent ease of use where packs no longer fold to go into pockets on clothing. This would also prevent folding of packs which obscures graphic images, warnings and Quitline information, as currently occurs with soft packaging^{12,18,19,20}.

- 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 support the proposal to standardise cigar packaging with a standard number of cigars in a pack to keep standardisation consistent throughout all tobacco products.



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

☒ Yes

☐ No

Please outline your reasons below.

We support the provision to set a minimum size for all tobacco packages, including cigars. We recommend taking this opportunity to ensure the maximum exposure and benefit is gained from graphic images, warnings and Quitline information^{12,18,19,20}.

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

☒ Yes

☐ No

If yes, please provide detail below.

We outline additional suggestions and recommendations for standardising the shape and size of tobacco products and tobacco product packaging in our response to Question 12.

Permitted markings on tobacco packages

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

☐ Yes

☒ No

Please provide detail and reasons below.

We have no recommendations regarding anti-counterfeiting marks except that any marks do not provide any form of marketing advantage.

- 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.

We have no recommendations regarding anti-counterfeiting marks, but support regulation to ensure that any marks do not provide any form of marketing advantage.



- 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 that any additions should be necessary to marks and/or features that are allowed for automated manufacturing and packaging processes.

- 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 have no recommendations regarding printing of country of manufacture on packaging, except to state that should any country of manufacture appear on products and/or packaging, that it does not provide any form of marketing advantage.

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.

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

1. We recommend that the regulations restrict brands, tobacco products, variants, and variant names to those already in use when the draft regulations were published (i.e. 31 May 2016), with a prohibition on any new introductions to the market.



Australian research shows an increase in the number of variant names featured on brands following implementation of plain packaging in Australia¹.

It is also evident in other internationally published research where developments have ranged from small changes to new product development after implementation of regulations².

2. We support the regulation Part 2 (20 b, c, d) that standardise the appearance of cigarette sticks.

We note the regulations propose:

- 2 different cigarette diameters
- No minimum stick length
- White papers/ white or cork filters

We strongly recommend these proposed regulations are amended to include:

- 1 single diameter for cigarette sticks
- 1 single length for all cigarettes/ 1 size for papers
- One unattractive colouring for cigarette stick papers and 'roll your own' papers, to be Pantone 448C to match packaging.

This recommendation is based upon the extensive research that has already been undertaken into undesirable colouring² and public perception of appeal^{3,4,5} in relation to standardised packaging.

White cigarettes create connotations of purity and cleanliness that help consumers to find them more acceptable, classy and not dirty, disgusting or harmful, whereas the darker coloured sticks remind consumers of sickness and unhealthiness⁴.

The Canadian Government's proposed regulations for Standardised Packaging propose the use of 'a single unattractive colour for cigarettes and other products rolled in cigarette paper'⁶.

Adoption of this measure in our regulations would maintain New Zealand at the forefront of the latest international practice, which is also supported by nationally based research.

3. We support the size of the proposed on-pack warnings set out in section 24 of the draft regulations.

¹ (Scollo M, 2014)

² (plainpacks.org.nz, 2013)

³ (Hoek J, 2015)

⁴ (Hoek J G. P., 2015)

⁵ (Borland R, 2012)

⁶ (Health Canada, 2016)



We recommend refreshing the warnings used so these feature more diverse themes and better reflect the smoker population.

We recommend themes shown in New Zealand research, likely to be effective with those key groups of smokers, such as (but not limited to):

- the social unattractiveness of smoking,
- tobacco industry denormalisation,
- effects of second hand smoke on children and companion animals.⁷

We recommend making regular review and refreshment of warnings.

We also recommend the addition of pack inserts to be able only to contain cessation information, as Canadian research has shown to be effective⁸.

4. We recommend that Quitline and cessation information be made more prominent on the packs to encourage more smokers to make quit attempts through easier to read and highly visible placement of the cessation information.

New Zealand research has shown that reformatting the Quitline and cessation information made it significantly easier to read, more visible and more likely to encourage smokers to consider quitting⁹.



As a result of the evidence above we strongly recommend that the two panel design from that research, as shown, is made mandatory for all tobacco packaging.

5. Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers' self-efficacy. Recent research evaluating the impact of these inserts found that reading of inserts increased over time (as reading of on-pack warnings decreased). Further, more frequent reading of the inserts was associated with greater response efficacy (i.e., stronger perceived

⁷ (Healey B, 2016)

⁸ (Thrasher JF, 2016)

⁹ (Hoek J G. P., 2014)



benefits of quitting) and greater risk perceptions). More frequent reading of the inserts was also associated with greater self-efficacy to quit, more quit attempts, and more sustained quit attempts¹⁰. We therefore recommend the standardised packaging regulations require all tobacco packages to include inserts modelled on the Canadian regulations⁶.

6. As a result of the implementation of Plain Packaging in Australia, the tobacco industry used an adaptation to the inner foil layer of cigarette packaging to produce a soft foil package that was able to be removed intact containing the cigarettes and thereby remove the dissuasive packaging effect by discarding it. New Zealand Standardised packaging regulations need to ensure that this, or any other adaptation of the foil inner, is not able to be implemented here in New Zealand to circumvent Standardised Packaging regulations. Therefore we recommend that the regulation around foil lining be strengthened from

25 (d) 'fixed to the inside of the pack and not easily detachable'

to not be at all detachable in any way, nor form a complete soft pack out of foil lining.

7. Part 1 r 15, we recommend that this is extended to include inner surfaces of tobacco packaging. To read all surfaces of a tobacco package must have only Matt Pantone 448C as the background colour. This recommendation is based upon the extensive research that has already been undertaken into undesirable colouring¹¹ and public perception of appeal^{12,13,14} in relation to standardised packaging.
8. New Zealand regulations should prohibit added flavourings in filters, papers or tobacco. Tobacco products are manipulated by tobacco companies by the addition of chemical compounds. A large number of tobacco additives are flavours¹⁵. There are a number of ways in which the flavourings can be added:
 - Directly to tobacco ingredient mix
 - In the filter as a capsule, to be broken open by the consumer.

Flavouring additives give products a specific taste that enables:

- competitiveness in the market
- loyal consumers
- a point of difference for marketing purposes.

Flavouring additives improve the palatability of the smoked tobacco⁹.

¹⁰ (Thrasher JF, 2016)

¹¹ (plainpacks.org.nz, 2013)

¹² (Hoek J, 2015)

¹³ (Hoek J G. P., 2015)

¹⁴ (Borland R, 2012)

¹⁵ (European Commission Scientific Committee on Emerging and Newly Identified Health Risks , 2010)



Tobacco additives were hardly used before 1970, but today they represent up to 10% of the cigarette weight.

By altering the taste and smell of cigarettes the products are made more attractive and the smoke more palatable which leads to an increase of smoking initiation¹².

Supporting information

The European Union have recently implemented a tobacco products Directive 2014/40/EU, this came into force in May 2016.

The European Union tobacco products Directive 2014/40/EU priority list has 30 priority chemicals, under consideration for prohibition or quantity reduction, 19 of which show a characterising flavour and contribute to attractiveness, and branding.

Some of the flavourings on that list are caramel, carob bean extract, coca, 2-furfural (strong caramel flavour), linalool (lemon flavour local anaesthetic) licorice, menthol, vanilla bean extract, fenugreek, fig extract, prune juice extract, rum, piperonal, added sugars, and vanillin, all of which are specifically to improve flavour and palatability.

New Zealand regulations should prohibit added flavourings to prevent flavouring becoming a marketing tool for the tobacco industry

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.

Part 1, subpart 1, We recommend inclusion of: No flavouring additives may be included in the tobacco, paper or filter for manufactured cigarettes, cigars or roll your own tobacco products.

Part 1, subpart 2, 14, We recommend the inclusion of: must not contain any writing, symbols or other markings.

Part 1, subpart 2, 19(1), We recommend the wording is altered to A tobacco package MUST have a printed code for the purposes of tracking and tracing tobacco products.

Part 1, subpart 2, 21(1), We recommend the wording is altered to A cigarette MUST have a printed code for the purposes of tracking and tracing tobacco products.

Part 1, subpart 2, 25, We recommend the inclusion of: must not contain any writing, symbols or other markings.

Part 1, subpart 2, 27(2), We recommend the inclusion of: No new variant may be introduced after May 2016.

Part 1, subpart 3, 30(1 and 2), We recommend the inclusion of: must not contain any writing, symbols or other markings.



Part 1, subpart 3, 32, We recommend the wording is altered to 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(3) We recommend the inclusion of: has a minimum and maximum band size to prevent brand differences, identification and marketing.

Part 1, subpart 4, 41(4) We 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).

Submitter information

The Cancer Society of New Zealand is a Federation of six Divisions and a National Office. We are committed to helping reduce the incidence and impact of cancer on the community. Cancer affects many of us and is a major cause of disease, disability and death in New Zealand, with 21,050 new registrations and 8,891 deaths in 2011 (Ministry of Health 2015). To lessen this impact, we need an organised approach to reduce the number of people who die from cancer and improve the quality of life of those who are diagnosed.

As part of our approach, the Cancer Society has a set of objectives, including:

- a) Providing supportive care and information to people affected by cancer, their families/whanau and carers.*
- b) Encouraging, organising, supporting and funding research within New Zealand into the prevention, treatment and cure of cancer.*
- c) Delivering health promotion programmes focusing on cancer prevention.*
- d) Leading advocacy across the cancer continuum.*
- e) Promoting education about cancer for health professionals and publicising progress made in research and treatment.*
- f) Working collaboratively with other organisations who share similar goals to the Cancer Society.*

Cancer Society staff also participate in Regional Cancer Networks, which were set up by the Ministry of Health in 2008. These networks have District Health Boards (DHB's), Primary Care, Non-Government Organisations (NGO's) and Consumer representatives.

References

Borland R, S. S. (2012). Effects of stick design features on perceptions of characteristics of cigarettes. *Tobacco Control*.



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- Thrasher JF, S. K. (2016). Cigarette package inserts can promote efficacy beliefs and sustained smoking cessation attempts: A longitudinal study of an innovative policy in Canada. *Preventative Medicine*.
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Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:

Company organisation
name and address:

Stroke Foundation of NZ, PO Box 12-482, Thorndon, Wellington 6144

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.

We do not have any direct or indirect links to or vested interests in the Tobacco Industry

Additional information

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

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

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

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

We support the limits on the grounds of preventing product and brand variance. Any opportunities to introduce brand variance would undermine the intentions of standardised packaging.

- 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.

Dimension restrictions will also assist in the prevention of brand variance. We recommend setting exact dimensions as opposed to minimum and maximums which would still allow for brand variance. Exact dimensions should also be set for papers and filters as they are tobacco associated products.

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

☒ Yes

☐ No

Please outline your reasons.

Exact height, width and depth dimensions should be specified by the government for cigarette packs. We do not support minimum and maximums as this provides opportunities for the tobacco industry to establish and maintain brand variance.

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

☐ Yes

☒ No

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

Plastic packaging is not an environmentally friendly material. We recommend packaging be constructed of a biodegradable material.

Packaging materials should also be such that they cannot be folded or modified to reduce the visibility of health warnings.

- 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 see no reason for cigars to be exempt from the same regulations as cigarettes and loose tobacco.

- 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 exact sizes be specified as opposed to minimums and maximums.

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

☒ Yes

☐ No

If yes, please provide detail below.

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

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

Permitted markings on tobacco packages

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

☐ Yes

☒ No

Please provide detail and reasons below.

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

Please provide detail below.

Tobacco Industry arguments for extra anti-counterfeiting marks should be treated with caution as they open the door for continued brand variance.

Not only is there evidence of industry actively contributing to illicit trade but the scale of illicit trade in New Zealand is relatively low. In 2013, ASH New Zealand estimated the consumption of illicit tobacco to comprise between only 1.8 to 3.9 percent of total tobacco consumption

(Marsden W. 2008. *How to get away with smuggling*. The International Consortium of Investigative Journalists. Accessed 27/7/2016 from <https://www.icij.org/project/tobacco-underground/how-get-away-smuggling>)

(U E, Ajmal A. 2014. *Update of Illicit Trade in Tobacco Projects in New Zealand 2013*. Auckland: ASH New Zealand).

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

☐ Yes

☒ No

Please provide detail and reasons below.

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

☐ Yes

☒ No

Please provide detail and reasons below.

Country of manufacture is another form of variance which would certainly add or detract value for consumers.

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?

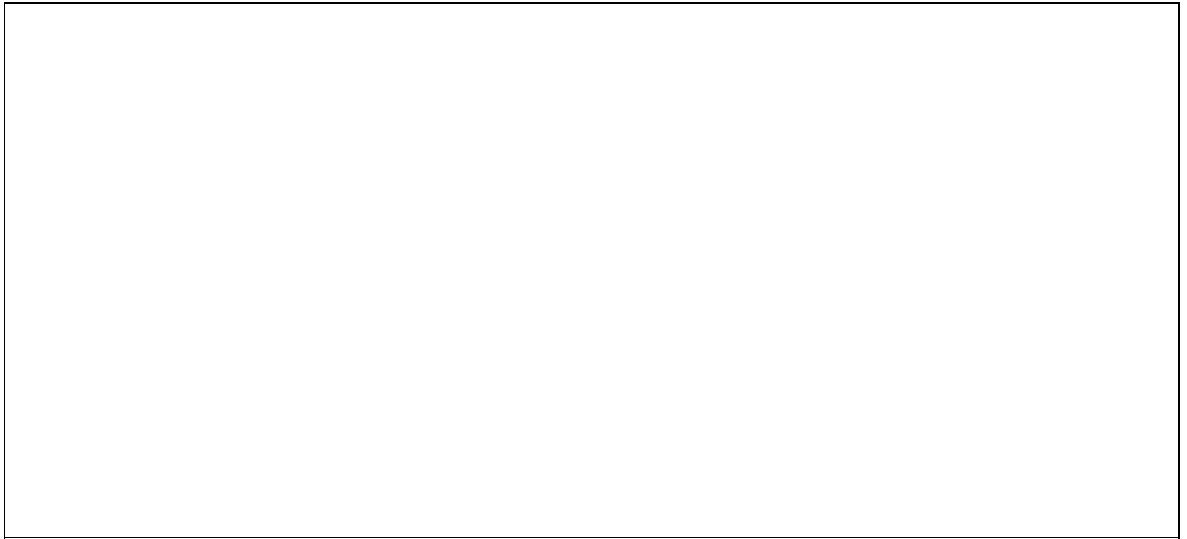
☐ Yes

☐ 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.



Consultation submission

Details

Name and designation:

██████████

Company organisation
name and address:

On behalf of the Hawke's Bay Safekids Coalition, a group consisting of representatives from 15 member organisations, including representatives from government agencies, NGO's, community groups, and individuals that have an interest in reducing the incidence of unintentional injuries for children aged new born to 14 years old.

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.

Hawke's Bay Safekids Coalition gives permission for our submission contents 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 Safekids 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

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 proposal to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams. We recommend that in the future that these quantities are reduced.

- 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 proposal to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter. We recommend that there be one standard length and diameter to limit marketing opportunities.

- 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 proposals to set minimum and maximum height, width and depths of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain. Similarly with our response in question 2, we recommend cigarette packs, cigarette numbers and sizes be standardised to discourage and limit marketing opportunities.

- 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 be sold only in rectangular pouches made of soft plastic as young children can easily be exposed to ingesting and swallowing poisonous substances within loose tobacco. We recommend that child resistant packaging very similar to medication bottles, be an alternative to loose tobacco packaging¹.

¹ Safekids Aotearoa Position Paper: Child Poisoning Prevention, 2015

- 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 support the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack and further recommend that this be employed for cigarettes and loose tobacco.

- 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 proposal that regulation include a general provision to set a minimum size for all tobacco packages including cigars, refer to question 2.

- 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.

We recommend following methods used in Australia and the draft regulation to allow for alphanumeric codes is suitable, which suggests no reason to allow additional anti-counterfeiting marks. We recommend addressing this issue in the future when there is evidence to suggest otherwise.

- 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 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 support the proposal that regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes as this allows an opening for marketing companies to be able to advertise the tobacco product.

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

- ☐ Yes
☒ No

Please provide detail and reasons below.

Having the proposed measures of alphanumeric codes like in Australia to determine the origins is sufficient enough without having to have the country of manufacture printed on the tobacco products as well

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.

Nil

Other comment on content of draft regulations

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

The Hawke's Bay Safekids Coalition support the mission to reduce the incidence and severity of unintentional injuries to children aged 0-14 years. Children are vulnerable consumers, and are potentially at risk of harm and injury from a wide variety of products. To support child safety and injury prevention, it is important to increase community and family awareness of the range of measures including product safety standards, and regulatory courses of action that support product safety in New Zealand. Ensuring that appropriate and standardised packaging of cigarettes, loose tobacco and cigars is important so that young children do not consume poisonous substances within these products²

² Safekids Aotearoa: AN INTRODUCTION TO CHILD PRODUCT SAFETY IN NEW ZEALAND

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:

[REDACTED]

Company organisation
name and address:

Action on Smoking and Health NZ (ASH)

Contact phone number and
email address:

[REDACTED]

Confidentiality

Please keep my comments confidential:

☐ NO

(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.

Additional information

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

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

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

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

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

Please outline your reasons.

ASH Support the regulation that quantity of tobacco products should be standardised. The number of cigarettes in a packet should be limited to packs of 20's or 25's. There is evidence from Australia that the non-standard amounts of 25+1 are purely for marketing reasons as they appear to consumers to offer "added value".

In the lead up to plain packaging in Australia, manufacturers used new pack sizes to seek to provide extra value for money and retain consumer interest. After plain packaging was implemented, the general provisions on dimensions provided in the Australian plain packaging regulations have allowed them to keep these new pack sizes on the market. Strategies have included the introduction of new "super-value" brands that provided more sticks at the same price as existing value brands, as well as adding "extra" or "bonus" sticks to existing value brands

We further submit that loose tobacco pouches are limited to standard amounts of 30g or 50g for the same reasons.



Packs in odd sizes after the implementation of plain packaging in Australia

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

☐ **Yes**

Please outline your reasons.

ASH supports the regulation that cigarettes should be of uniform length and diameter. However, ASH recommends amendment of these regulations so they prescribe the exact stick dimensions to eliminate any variation across cigarette brands.

Research undertaken with adolescents clearly shows that stick diameter can impact on the appeal of cigarettes and mislead about the potential harm. Slim and super slim cigarettes with white filter tips and decorative features were viewed most favourably and rated most attractive. Slimmer cigarette diameters also communicated weaker tasting and less harmful looking cigarettes. This was closely linked to appeal as thinness implied a more pleasant and palatable smoke for young smokers.

The Australian plain packaging regime placed no limits on cigarette stick dimensions, meaning tobacco companies were free to use stick dimensions as a marketing tool. For example, British America Tobacco, who owns the 'Vogue' brand of cigarettes, exploited this avenue. The slim pack size of the Vogue cigarettes was increased to comply with the minimum dimensions required by Australia regulations, but they continued to make their Vogue cigarettes long and slim to appeal to a young female market and simply filled out the extra space inside the pack with reconfigured pack lining. See the example below.



An example of how British America Tobacco modified the inside packaging of their Vogue brand cigarettes in Australia to ensure that while they comply with the requirements for minimum pack dimensions, they can still supply slim cigarettes to the market.

ASH therefore strongly supports the proposal to restrict the dimensions of cigarette sticks by setting a minimum and maximum length and diameter. We note that the draft regulations only set a maximum length for cigarettes and recommend that this should be

amended to also include a minimum length to ensure this marketing avenue is not available for tobacco manufacturers to exploit.

- 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

Please outline your reasons.

ASH supports standardised pack sizes as outlined in question 2.

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

☐ No

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

ASH supports this regulation as Standardising the material of the pouches would ensure that they cannot be manufactured in fashionable or appealing materials and prevents pouches from being used as a marketing tool.

ASH agree with the comments made in the submission by the ASPIRE2025 group that loose tobacco should be sold in rigid rectangular containers of one specified size and not be allowed in pouches of soft plastic. The PHD evidence presented by the ASPIRE2025 group states that pictorial warning label's had less impact on loose tobacco smokers than on smokers of pre-packaged cigarettes. This is due to a smoker's ability to fold the loose tobacco pouches to hide pictorial health warnings.

- 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

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

ASH agrees with the proposal to standardise cigar packaging and limit the amount of cigars sold in a pack. Standardised Packaging, when applied to cigars, removes the ability for Cigars to be marketed as a premium tobacco product.

There is evidence that Cigar Smokers when purchasing Cigars under the Australian Plain Packaging Scheme "felt like dirty smokers". The evidence shows that premium cigar smokers indicated some fear of being equated with ordinary cigarette smokers.¹

¹ Miller CL, Ettridge KA, Wakefield MA. *Tob Control* 2015;24L ii58-ii65.

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

☐ **Yes**

Please outline your reasons below.

ASH supports the proposal to set a minimum package size for all tobacco products, including cigars, as it is well known that cigarette product packs are used as marketing tools. Market research has determined that innovative packaging shape, size and opening all affected the level of appeal and brand personality of cigarettes.² There is also compelling evidence that smaller pack sizes appeal to young women in particular and young people more broadly.

The other reason for setting a minimum pack size is to ensure that graphic health warnings remain a size that ensures their effectiveness. As seen below, in other countries graphic health warnings have been manufactured to be extremely small and hard to read.



Examples of super slims pack from Canada with 50% health warnings

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

☐ **Yes**

If yes, please provide detail below.

Standardising colour and dimensions of rolling papers

ASH suggest that the length of rolling papers for tobacco be prescribed as a maximum of 95mm to be consistent with the prescribed maximum length for cigarettes.

² ScolloM, LindroffK, CoomberK, *et al.* *Tob Control* 2015;24:ii9-ii16.

Permitted markings on tobacco packages

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

☐ No

Please provide detail and reasons below.

ASH suggests that New Zealand is guided by the Australian regulations. However, there is no evidence that illicit trade in tobacco products has increased as a result of plain packaging being introduced in Australia. In fact, there is no evidence that illicit trade in tobacco products has increased at all.

The tobacco industry has claimed that plain packaging would make counterfeiting of packs easier. Counterfeiting is incredibly sophisticated and there is no reason why plain packaging would make it easier produce counterfeit packs. The tobacco industry's own report on illicit tobacco in Australia states that it was more than 2 years after the introduction of plain packaging before they themselves detected a counterfeit pack.

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.

ASH suggests that as Australia does, the origin Mark must be either covert or invisible to the naked eye or an alphanumeric code. This will ensure that these marks do not undermine the intention of standardised packaging and eliminate any potential for such marks to communicate to consumers. See, for example, the wording of regulation 3.1.2 of the Australian regulations which provides that alphanumeric codes must not:

- a) constitute or provide access to tobacco advertising or promotion;
- b) obscure any required health warning;
- c) be false, misleading, deceptive, or likely to create an erroneous impression about the product's characteristics, health effects, hazards or emissions;
- d) directly or indirectly create a false impression that a particular tobacco product is less harmful than other tobacco products;
- e) represent or be linked or related in any way to the emission yields of the product;
- f) represent or be linked or related in any way to the brand or variant name of the product.

For further examples of such wording, see regulations 2.3.1(5) and 3.2.1(7) of the Australian regulations.

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

☐ No

Please provide detail and reasons below.

ASH does not believe that any additional marks are necessary on tobacco products. However, if manufacturing details are to be permitted, they should be printed on the outer cling-film of the cigarette packet.

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

☐ No

Please provide detail and reasons below.

ASH does not support this proposal. If this is permitted then this may be used as a distinguishing feature on plain packs, possibly detracting from the intended effect of plain packaging or enabling tobacco companies to market based on country of origin. There is strong evidence that country of manufacture information communicates marketing appeals to consumers.³

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

1. Restriction of Brand Variations

Section 27 of the regulations restricts variant names to one line that is no longer than 35 mm. This will not restrict or prevent the introduction of new or more evocative variant names. To counter this, ASH supports the proposal in the submission put forward by the ASPIRE2025 group which recommends that the Standardised Packaging regulations restrict the brand and variant names to those in use when the regulations were first published on 31 May 2016.

Evidence from the Plain Packaging regime in Australia suggests tobacco companies increased the number of variant names featured on their brands following implementation. The evidence shows that Tobacco Companies have used more evocative variant names to recreate connotations formerly associated with visual brand imagery. This directly undermines the intent

³ Piron F. Consumers' perceptions of the country-of-origin effect on purchasing intentions of (in) conspicuous products. Journal of Consumer Marketing 2000;17 (4): 308-21.

of standardised packaging. By doing this tobacco company offer a point of differentiation to consumers.⁴

2. Restriction of Colours in Brand Names

Research from Australia suggests that post implementation of their plain packaging regime that Tobacco Companies introduced brand variants such as “Peter Jackson – Rich Gold”. The inclusion of colours in brand variants allows for consumers to differentiate between products which undermine the purpose of Standardised Packaging. This also allows the Tobacco industry opportunity to market to consumers. For example “gold” could be marketed as a premium brand variant.



3. Dissuasive Sticks

The proposed regulations will maintain the regular white/cork cigarette stick appearance. Evidence shows that white cigarettes sticks create the connotation in a smokers’ mind that the cigarette is pure and clean. This research also shows that connotations such as these works to perpetuate myths that smoking is not as harmful health officials suggest.⁵ This same research suggests that by changing the sticks to an unattractive colour (such as Pantone 448C) could greatly reduce the attractiveness of cigarettes and the likelihood they would be chosen. Furthermore, the evidence suggests that such a change could increase the dissonance smokers experience and potentially trigger quit attempts.

We also note that the Canadian Government, in their draft plain packaging regulations, is proposing a “single unattractive colour for a cigarette and other products that are rolled in cigarette paper”. ASH supports the proposal in the submission put forward by the ASPIRE2025 group which recommends that New Zealand adopts this same regulation to reflect international best practice.

⁴ Hoek J, Gendall P, Eckert C, et al Effects of brand variants on smokers’ choice behaviour and risk perceptions. Tobacco Control 2015; 25(2): 160-5.

⁵ Hoek J, Robertson C. How do young adult female smokers interpret dissuasive cigarette sticks? A qualitative analysis. Journal of Social Marketing 2015;5(1)

4. Improved Graphic Health Warnings and Quitline Information

ASH supports the proposal in the submission put forward by the ASPIRE2025 group where they recommend a refresh of the Graphic Health Warnings used on cigarette packets to ensure they better reflect the diversity of the smoking population in New Zealand. ASH further recommend more diversity for the Graphic warning themes, as recent New Zealand research suggests more diverse themes could elicit stronger responses from varied sub-groups of smokers.⁶ ASH also support the recommendation of the ASPIRE2025 group that the regulations set out a regular programme to review warnings at least once every two years as research evidence shows warning “wear out” occurs.⁷

Furthermore, while packs have Quitline information on them, these details are not visually salient and many smokers may overlook them. Research shows that re-formatting this information made it significantly easier to read, more visually salient, and more likely than the control (status quo) to encourage more smokers to consider quitting.⁸

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.

1. Regulate further tobacco product innovations

The Australian Plain Packaging regulations do not preclude within-filter innovations such as flavour capsules. Products such as “crush” that contain capsules within the filter of the cigarette have been directly marketed by Tobacco Companies to younger people. Research shows that products such as these have particular appeal to young people.⁹ It is especially important to restrict such innovations in New Zealand as prevalence here peaks among 18-30-year-olds.¹⁰ If products such as these enter the New Zealand market, smoking uptake within young adults could increase.

2. Implementation timeline

In Australia, manufacturers were given 9 months to comply with plain packaging requirements by 1 October 2012 with retailers required to comply by 1 December 2012. This left eight weeks for the “wash through” of existing branded packs manufactured prior to 1 October.

⁶ Healey B, Hoek J. Young Adult Smokers’ and Prior-Smokers’ Evaluations of Novel Tobacco Warning Images. *Nicotine Tob Res* 2016;**18**(1):93-7.

⁷ Borland R, Wilson N, Fong G, et al. Impact of Graphic and Text warnings on cigarette packs: Findings from four countries over five years. *Tobacco Control* 2009; **18**(5): 358-64.

⁸ Hoek J, Gendall P, Eckert C, et al. A comparison of on-pack Quitline information formats. *Tob Control* 201;**25**(2):211-7.

⁹ Thrasher JF, Abad-Vivero EN, Moodie C, et al. Cigarette brands with flavour capsules in the filter: trends in use and brand perceptions among smokers in the USA, Mexico and Australia 2012-2014. *Tobacco Control* 2015;tobacco control-2014-052064.

¹⁰ Ministry of Health. Tobacco Use 2012-13: New Zealand Health Survey. In: Ministry of Health , ed. Wellington: Ministry of Health, 2014.

We note that the maximum timeframe provided for commencement of the Act is 18 months after the date on which it receives Royal assent. This should be the maximum timeframe as tobacco manufacturers and retailers have proven they are very capable of making required changes in a timeframe of 12 months and Australia's experience shows that tobacco companies will exploit the lead up time until plain packaging is mandatory to introduce new brands, new packaging features and try to reassure and lock in as many new and existing customers as they can.

5. Tobacco Industry Submissions on these regulations

ASH strongly recommend that the Ministry of Health treat with extreme scepticism any tobacco industry submissions or submissions from those who have any connection or alliance to the tobacco industry. Article 5.3 of the Framework Convention – states that the tobacco industry has a “fundamental and irreconcilable conflict with public health

Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation:

[REDACTED]

Company organisation name and address:

BP Oil New Zealand | 73 Remuera Rd, Newmarket, Auckland

Contact phone number and email address:

[REDACTED]

Confidentiality

Please keep my comments confidential:

(reasons including identity of specific comments if applicable)

☐ Yes

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

Declaration of any tobacco industry links or vested interests

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

BP is a retailer of tobacco products.

Additional information

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

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

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

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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.

BP is not in a position to comment on this.

- 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.

BP is not in a position to comment on this.

- 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.

BP is not in a position to comment on this.

- 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?

BP is not in a position to comment on this.

- 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?

BP is not in a position to comment on this.

- 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.

BP is not in a position to comment on this.

- 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.

BP is not in a position to comment on this.

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.

BP is not in a position to comment on this.

- 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.

BP is not in a position to comment on this.

- 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.

As standardised packaging results in all products appearing the same, this creates product selection issues at the point of sale. As such, BP requests subtle features to assist retail store staff in differentiating between tobacco product packages.

The reasons for this request are fourfold:

1. To reduce the time that store staff spend with their back turned to customers, lowering the potential for theft or robbery
2. To minimise the negative impact on stock management and inventory processes
3. To reduce the potential for product selection errors at point of sale
4. To reduce customer transaction time.

- 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.

BP is not in a position to comment on 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.

BP is not in a position to comment on this.

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.

With regards to the new law and regulations for standardised packaging, BP requests a transition period of six months to ensure full compliance. This will enable existing stock to be sold through and will reduce the financial impact associated with the change.

To reiterate the comments made in question 10, BP requests subtle features to assist retail store staff in differentiating between standardised tobacco product packages. This would serve to reduce the amount of time staff spend turned away from the counter, lowering the potential for theft or robbery; reduce customer transaction times; minimise the negative impact on stock management and inventory processes and reduce the potential for product selection errors at point of sale.

standardisedtobacco@moh.govt.nz



Public Health Association
AUSTRALIA



SUBMISSION FROM THE PUBLIC HEALTH ASSOCIATION OF AUSTRALIA AND THE WORLD FEDERATION OF PUBLIC HEALTH ASSOCIATIONS

I have pleasure in providing this submission on behalf of the Public Health Association of Australia (PHAA) and on behalf of the World Federation of Public Health Associations (WFPFA) in response to the Consultation Document entitled "Standardised Tobacco Products and Packaging Draft Regulations". The PHAA congratulates the New Zealand Government on its plans to introduce tobacco plain packaging, and strongly supports the proposed approach.

We are aware that the Cancer Council Victoria and Cancer Council Australia are presenting a comprehensive submission that addresses the Australian experience in relation to plain packaging as part of a comprehensive approach. In the interests of avoiding duplication I note that the PHAA endorses the Cancer Council Victoria/Cancer Council Australia submission, approach and recommendations.

There can be no doubt that despite massive opposition from the tobacco industry and related groups, plain packaging has been a very substantial success in Australia as part of the comprehensive approach recommended by health authorities, and consistent with the approach adopted by all FCTC signatories. It is an evidence-based, well-evaluated measure that will bring important benefits to public health in New Zealand over the years ahead, playing an important role in preventing the onset of smoking among children and young people and reducing smoking in adults. The strength of the tobacco industry's opposition to plain packaging is indeed a good measure of the likely impact of plain packaging both in the short term and, importantly, over time in preventing the onset of tobacco use.

It should be further noted that the Draft Regulations have learned from and improve on the Australian experience, particularly in relation to pack size, standardising the number of cigarettes in a pack to 20 or 25, and addressing the dimensions of cigarette sticks. Among other benefits, this will help to prevent tobacco industry promotional strategies both ahead of and after the introduction of plain packaging.

Peer reviewed research and independent evaluation shows that even in the short term, plain packaging has clearly been effective. It is noteworthy that not only have tobacco companies thus far lost every legal action against plain packaging nationally and internationally, but also that the companies, their arguments and their witnesses have been subject to scathing judicial criticism.

It is encouraging that many other countries are now looking to implement plain packaging as part of their tobacco control strategy. We strongly support the introduction of this measure in New Zealand, and the recommendations in the Cancer Council Victoria/Cancer Council Australia submission.

Your sincerely,

[Redacted signature]

[Redacted address]

29 July 2016

29 July 2016

Standardised Tobacco Products and Packaging Draft Regulation
Ministry of Health
PO Box 5013
WELLINGTON

By email: standardisedtobacco@moh.govt.nz

To whom it may concern,

STANDARDISED TOBACCO PRODUCTS AND PACKAGING DRAFT REGULATIONS

1. Retail NZ is a trade association whose members account for around two-thirds of total retail spending. Our membership is extremely diverse: it includes major corporates, as well as a large number of very small firms - and everything in between. Our members include a broad range of grocery and convenience stores which sell tobacco, as well as some firms that supply them.
2. We are concerned about the practicalities of some of the proposed regulations in a retail environment.
3. Retail NZ and its members recognize the health risks associated with smoking and support the *responsible* retailing of tobacco products. However, these draft regulations create a number of practical issues for retailers. Australian experience suggests that the move to plain packaging is going to create significant compliance cost for retailers in terms of the time taken to serve customers; order stock; and manage stock levels.
4. We do not oppose the move to plain packaging. Our recommendations below are intended to mitigate some of the practical issues created by the regulations; allowing the Ministry and the Government to meet their public health objectives, without creating significant compliance issues for retailers. In short, we want to help the Government and retailers get ready for plain packaging.

Location of graphic health warning and brand identifiers

5. The draft regulations require the brand and variant names to be placed at the bottom of the packet, below the graphic health warnings. This creates a practical issue in that it will make it very difficult for retailers to identify the right products for a customer.
6. Tobacco products are commonly dispensed via a spring loaded or gravity fed system within a tobacco cabinet. The indicative layout for printing a standardised cigarette pack mock up, included in the Standardised Tobacco Products and Packaging Draft Regulations - Consultation Document, is impractical for these type of dispenser. Such dispensers push cigarette packets to the front of the unit with the use of a spring-loaded arm, with the cigarette packs being held in unit by a 'lip' along the bottom of the dispensing unit. This would cover both the brand name and variant written on a cigarette packet if the packet was designed in line with the indicative layout.

Recommendation: Move the 75 per cent required graphic health warning on the front of the pack to sit below the 25 per cent of space allowed for brand and variant name.

Restrict font size but not length of brand name

7. The maximum length of 35mm allowed for brand names is impractical for some brands. Brands with longer names would need to use incredibly small font in order to comply with this length limitation, making it difficult for retailers to read the name. This would result in both a longer transaction time and speed of service, and an increase in sale of the incorrect product.

Recommendation: Section 27(3) be upheld, restricting font size - with provision for the appropriate brand name to be written on the packet in this font size, regardless of overall length.

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Connect with us:



Formerly known as:

The New Zealand Retailers
Association Incorporated

Place the onus to rotate graphic health warnings on manufacturers

8. The Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill prescribes significant fines on retailers for non-compliance with the new packaging regulations. These fines range from a maximum of \$50,000 to \$200,000 depending on business size and have the potential to cripple businesses, should they be imposed.
9. The government requirement to rotate stock with different sets of graphic health warnings each year, with only limited time to rotate through stock, already places a risk burden on retailers; this will only become more onerous with the introduction of standardised packaging. This would also be a cost that retailers would have to meet.
10. We are of the strong belief that the requirement which imposes such a cost burden and financial risk on retailers should be removed. Such a change would in no way detract from health policy objectives.

Recommendation: Remove the requirement to remove products from market with previous health warnings. Provision be made that places the onus on manufacturers to ensure an even spread of graphic health warnings be printed across their portfolio each year. Printing an even number of the up to date labelled packages from the prescribed change-over date, and distributing only products with these labelled packages in that year, would ensure that all health warnings are in market each year in equal numbers. It would further ensure that no 'old' stock enters the market after the prescribed date. This provision would assist retailers manage their stock losses and reduce the burden, risk and compliance complexity falling on small retailers.

Transitional periods

11. Retail NZ proposes a transition time frame for manufactures of 12 months from the date of enactment of the regulations.
12. We are concerned that a 12 week transition period for retailers to sell through current branded packaging would place pressure on retailers. Retailers risk losing money in sales due to ordering minimal quantities of stock prior to the changeover, as well as on inventory loss of overflowing non-compliant stock.

Recommendation: There should be no cutoff date for retailers who should be allowed to sell old stock through. Alternatively, a longer period of 16 weeks be allowed for retailers to sell through branded stock, which would both minimise stock losses and ease the administrative burden of the changeover.

13. We are concerned that the transitional period may fall at the same time as the excise tax change. This would be incredibly problematic for retailers, creating significant administrative complexity.

Recommendation: The government ensure that that the excise tax change and the transitional timeframe for standardised packaging do not occur over the same time period.

Yours faithfully,

[Redacted Signature]

[Redacted Name]
Retail NZ



Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

SUBMISSION FORM

STANDARDISED TOBACCO PRODUCTS AND PACKAGING DRAFT REGULATIONS

DETAILS

Name and designation

[REDACTED]

Company and organisation
name and Address:

Hāpai Te Hauora Tapui Limited

Contact phone number
and email address

[REDACTED]

[REDACTED]

CONFIDENTIALITY

Please keep my comments confidential
(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 party to the global tobacco control treaty, the World Health Organisation 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 myself ([REDACTED]) and our organisation (Hāpai) have had no links and currently do not have links to the tobacco industry.

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

ADDITIONAL INFORMATION

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

New Zealand ☒

I am, or I represent, the following category or categories:

Overseas manufacturer

New Zealand-based manufacturer

Importer

Exporter

Retailer

Government

Wholesaler or distributor

Institution (e.g. University, hospital)

Member of the public

Non-governmental organisation ☒

Other

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 ☒

Please outline your reasons:

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

A standard amount of tobacco will limit the ability for cigarette manufacturers to conjure a point of difference. Therefore 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 rationale behind this decision is that a packet at 50g would present a greater barrier to purchase for younger people¹.

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

Yes ☒

Please outline your reasons:

One of the goals of standardised branding is that tobacco manufacturers will find it difficult to differentiate themselves from one another. Therefore cigarettes need to be uniform in length and diameter. It has long been known that many groups, especially females, gravitate to longer and slimmer cigarettes which are often associated with being sophisticated stylish and elegant²³. There are many examples of tobacco packs that have longer than usual lengths, purely for marketing reasons. Therefore we would recommend shorter or thicker cigarettes.

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

Yes ☒

Please outline your reasons:

As mentioned in previously, 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.

¹ Cummings KM, Morley C, Horan J, et al. Marketing to America's youth: evidence from corporate documents. Tobacco Control 2002;11(suppl I): 15–17.

² U.S. Surgeon General. Factors influencing tobacco use among women. In: Surgeon General's Report – Women and Smoking 2001: pp.453-536.

³ U.S. Surgeon General. Factors Influencing Tobacco Use Among Women. In: Surgeon General's Report – Women and Smoking. 2001: pp.453-536.

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

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 face⁴.

For youth research demonstrates that their selection of tobacco products are not as greatly influenced by sensory factors such as taste or smell, as they are influenced by psychological factors such as the branding and its imagery⁵.

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

Yes ☒

Please outline your reasons:

Similar to the answers above, without the standardisation of loose tobacco packets, the tobacco suppliers have opportunity to invent new and innovative ways to package their tobacco for a point of difference and to increase product attractiveness⁶.

We recommend that sales of loose tobacco in soft plastic should not be allowed and that loose tobacco should be sold in a standardised ridged pack with pre-defined dimensions. Our rationale for rigid packs is so that the health warnings and graphics remain visible at all times, which is not the case with soft foldable packaging. A recent PhD study demonstrated that graphic warning labels had less impact on loose tobacco smokers than on smokers of tailor-made cigarettes and that smokers of loose tobacco were significantly less likely to read the warnings, or think about the health risks of smoking, or forgo a cigarette as a result of exposure to health warnings⁷.

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 ☒

Please outline your reasons:

⁴ Miller L. Principles of measurement of visual standout in pack design. Report No. RD 2039 Restricted. Group Research & Development Centre, British American Tobacco Co Ltd, May 23, 1986. Bates No. 102699347-102699500

⁵ British American Tobacco. The vanishing media. 1978. Bates range 500062147/2159.

⁶ Miller L. Principles of measurement of visual standout in pack design. Report No. RD 2039 Restricted. Group Research & Development Centre, British American Tobacco Co Ltd, May 23, 1986. Bates No. 102699347-102699500

⁷ Li JMC. The Effects of Tobacco Graphic Health Warnings on Smokers. University of Otago, 2015.

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

The standardisation of tobacco packaging must apply to all tobacco products, including the proposals to limit the number of cigars that maybe sold in a pack. Though cigar smoking is less prevalent, cigars can be as damaging as cigarette smoking.

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

Yes ☒

Please outline your reasons:

The standardisation of tobacco packaging must apply to all tobacco products. Though cigar smoking is less prevalent, cigars can be as damaging as cigarettes smoking.

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

Yes ☒

Please outline your reasons

Dissuasive sticks are a concept that has had some momentum as of late. Studies show that a drab dark brown colour pantone 448C has been described as the most dissuasive colour⁸. 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's identity⁹; it is a statement about who they are. When a person in public reaches for their packet of cigarettes and place the packet on the table, rather than a symbolic show of allegiance with a loyal attachment to brand, it is expected that dissuasive colour, thicker, shorter sticks, will be unpleasing to the eye.

⁸ Hoek J, Gendall P, Eckert C, et al. Dissuasive cigarette sticks: the next step in standardised ('plain') packaging? Tob Control 2015.

⁹ 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.

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

PERMITTED MARKINGS ON TOBACCO PACKAGES

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

Yes ☒

Please outline your reasons:

Possible consequences should be duly noted and resources should be employed to prevent any possible issues. Anti-counterfeiting marks can be easily developed that do not add to the attraction of the brand. Currently in New Zealand counterfeiting is not a substantive issue, but one that should be continuously monitored by Government.

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:

Again, this is not a substantive issue; however, there are a number of ways that codes such as numbers, bar codes, and QR Styled codes for example, can be used to ensure packets of cigarettes can be tracked from manufacturer to retailer. We strongly suggest that the Australian regulators are consulted with respect to eliminating any potential for such marks to communicate to consumers.

10. Do the regulations need to permit any other marks or features on tobacco product packages?

Yes ☒

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, and QR Styled codes can could be used to ensure packets of cigarettes can be tracked from manufacturer to retailer, can be standardised, and not add to the attractiveness of the product.

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

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

Yes ☒

Please provide detail and reasons below:

A country of origin could be used to generate a point of difference. For example, a packet of cigarettes that states 'manufactured in New Zealand' could be more attractive for example than a packet of cigarettes that states 'manufactured in China'. We therefore do not support allowing the country of origin information to be on the packet.

ADDITIONAL FEATURES TO INCREASE THE EFFECTIVENESS OF STANDARDISED PACKAGING

12. Are there any additional features within the scope of the regulations-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 ☒

If yes, please provide detail below

OTHER COMMENTS ON CONTENT DRAFT REGULATIONS

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

1. Hāpai have heard anecdotal evidence to suggest that many young people prefer loose tobacco because they are able to determine the amount of tobacco that is used and therefore make their purchase go further by using less amounts. Buying small filters to help with this process is common. With this in mind it may be worth considering standardising the sizes of the filters as well. There are currently 4-5 different filter sizes on offer. We also support papers for loose tobacco to be of a dissuasive colour.
2. 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 standardised cigarette packets that Hāpai have observed could still be considered appealing. We would advocate a thick font with rounded edges such as Arial Bold or Coopers. Also, we disapprove with the use of metallic colours such as metallic gold which evidence suggests is appealing, especially to young children.
3. The size and position of the health warning. – Needs to be prominent and standardised across all packets. Prominent health warnings that cover a significant proportion of the package also have the potential to

Standardised Tobacco Products and Packaging Draft Regulations: Consultation Document

undermine a brand's appeal and the impact of package displays at retail outlets¹⁰ "Graphic' picture and the use of fear arousing information – Needs to be prominent and unpleasing to the eye. The message needs to be authentic and indisputable. Messages and graphics need to be changed regularly as they can lose their effectiveness overtime¹¹.

4. Hāpai recommends that some of the warnings should allude to the impact that cigarettes have on our environment and messages should be given to dissuade smokers from carelessly disposing their cigarette ends.
5. Include inserts that provide cessation support information in all tobacco packages, and filters used to make roll-your-own cigarettes.
6. Disallowing capsule cigarettes, which recent research concludes have a particular appeal to young people.
7. We recommend that the regulations restrict the brand and variant names to those in use when the regulations were published (i.e., 31 May 2016). Australian evidence suggests tobacco companies increased the number of variant names featured on their brands following the implementation of plain packaging.¹²
8. It has been noted by the Cancer Council Australia (2016 Auckland Cancer Society and Hapai plain packaging forum) that even the inside of the packet can be made to look appealing, often with a pristine white or aesthetic natural look. We recommend that the inner surface should be the same (Pantone 448C) as the outer surfaces
9. It has been noted that some brands have made an inner lining that forms an enclosed 'soft pack' and can act as an independent container that can easily be removed from outer packaging. E.g. Imperial tobacco launched new packaging for Peter Stuyvesant brand. We recommend that regulations should be drafted so the inner lining can't be designed as a pack in itself. Furthermore, the inner lining should be fixed to the inside of the pack and not easily detachable.
10. There is evidence to suggest that manufactures are spelling out colours as part of brand or variant names Marlboro Red, Winfield Blue, Peter Jackson Rich Gold. By doing this the manufacturers are attempting to leverage off the attributes associated with colour. Strength, mood or group affiliation.
11. A strategy of tobacco manufacturers is to give brands variant names e.g. Winfield, Optimum Crush Sky or Peter Jackson Hybrid: Blue Regular to Fresh. We recommend there be restrictions on brand and variant names. No colours can be part of brand or variant names. Brand and variant names restricted to when regulations were published. As an example Uruguay have restricted brands to one variant only.

¹⁰ Borland R, Hill D. Initial impact of the new Australian tobacco health warnings on knowledge and beliefs. *Tob Control* 1997; 6: 317-325.

¹¹ Healey B, Hoek J. Young Adult Smokers' and Prior-Smokers' Evaluations of Novel Tobacco Warning Images. *Nicotine Tob Res* 2016;**18**(1):93-7.

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