

# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation: [REDACTED]

Company organisation name and address: Sport Waitakere

Contact phone number and email address: PO Box 21 065, Henderson, Auckland, 0650

### 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 confirm have no tobacco company links or vested interests

### Additional information

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

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

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

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

### Please return this form to:

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

# Consultation questions

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

## Size and quantities of tobacco products

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

☐ Yes

☒ No

Please outline your reasons.

There should be one standard size for tobacco packs of the lower number/weight ie 20 cigarettes and 30 grams of tobacco.

There is no clear evidence to the ideal pack size from a tobacco control perspective. One hypothetical study found that pack sizes of 10 are chosen by smokers who are optimistic about their quit attempts and are purchased as a means to reduce consumption<sup>1</sup>

However, there is concern about reducing the number of cigarettes in a pack below 20 as this has been shown to become a popular pack size for youth smokers<sup>2</sup>. We encourage NZ research to continue to assess an appropriate pack size for tobacco control.

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

☒ Yes

☐ No

Please outline your reasons.

This measure will prevent branding through size and shape.

<sup>1</sup> Marti, J., & Sindelar, J. (2015). Smaller cigarette pack as a commitment to smoke less? Insights from behavioral economics. *PloS one*, 10(9), e0137520.

<sup>2</sup> Ibid

- 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.

Pack size standardisation will remove opportunities for branding by size so that a pack appears different to others on the shelf

- 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?

Yes. This will prevent branding in tins or other containers

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

☒ Yes

☐ No

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

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

☒ Yes

☐ No

Please outline your reasons below.

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

☒ Yes

☐ No

If yes, please provide detail below.

This should also apply to packaging for cigarette filters and papers for roll your own tobacco

## 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 do not have experience in tobacco packaging to be able to offer any alternative measures.

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

Please provide detail below.

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

☐ Yes

☒ No

Please provide detail and reasons below.

We do not have any expertise regarding the manufacturing of cigarette packs.

- 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.

One of the aims of Smokefree 2025 is to make tobacco harder to sell. Knowing the country of origin would also help NZ have international discussions about providing viable economic alternatives to tobacco workers and growers (Article 17 of the WHO Framework Convention on Tobacco Control.<sup>3</sup>

<sup>3</sup> WHO (2005). WHO Framework convention on tobacco control available at [http://www.who.int/fctc/WHO\\_FCTC\\_summary\\_January2015\\_EN.pdf?ua=1](http://www.who.int/fctc/WHO_FCTC_summary_January2015_EN.pdf?ua=1)

## 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.

- Cigarette colour standardisation: There is scope to change cigarette colours to the same colour as the packaging: studies have indicated that brown cigarettes are seen as unattractive and more harmful to health<sup>4</sup> and that cigarette sticks with a dissuasive colours exposed smoking as dirty and constructed stereotypes that female cigarette users wished to avoid<sup>5</sup>
- The inner surface of the pack should also be the same colour as the front package
- If any lining is used in the package it must be the same colour as the pack and not be created as an independent container (rather than foil)
- Brand variant names: restrict to one brand variant name, prohibit the use of colours in a brand variant name and evocative brand names and misleading terms.
- Brand variant names should only be the names available when the regulations are published
- Prohibit the use of pack fillers to bulk up a pack
- Prevent product diversification
- Include wrappers in the definition of tobacco package
- No scents to be used in packaging

## Other comment on content of draft regulations

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

<sup>4</sup> Ford, A., Moodie, C., MacKintosh, A. M., & Hastings, G. (2014). Adolescent perceptions of cigarette appearance. *The European Journal of Public Health*, 24(3), 464-468.

<sup>5</sup> Hoek, J., & Robertson, C. (2015). How do young adult female smokers interpret dissuasive cigarette sticks? A qualitative analysis. *Journal of Social Marketing*, 5(1), 21-39.

## **Draft plain packaging regulations: recommendations from Cancer Council Australia & Cancer Council Victoria**



Responsibility for content is taken by:

- [REDACTED] Cancer Council Australia\*
- [REDACTED], [REDACTED], [REDACTED], [REDACTED],  
Tobacco Control Programs, Cancer Council Victoria+

\*Cancer Council Australia is Australia's largest non-government cancer control organisation, peak body and health charity, and represents the federal interests of its eight state and territory members.

+Our thanks to Cancer Council Victoria for leading the response to this public consultation.

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# Submission form

## Standardised Tobacco Products and Packaging Draft Regulations

### Details

Name and designation: [REDACTED]

Company organisation name and address: [REDACTED]  
Cancer Council Victoria, Australia

Contact phone number and email address: [REDACTED]

### Confidentiality

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

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

### Declaration of any tobacco industry links or vested interests

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None to declare

### Additional information

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

Australia

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                                 |
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| <input type="checkbox"/> Member of the public            | <input checked="" type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other <i>(please specify)</i> : |   |

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



# INTRODUCTION

Evidence on the potential benefits of plain packaging of tobacco products as an effective measure for the reduction of smoking-caused death and disease has been available since the early 1990s. In Australia, plain packaging as mandatory government policy became fully effective in December 2012. In April 2015, the *British Medical Journal* published a suite of studies showing that plain packaging in Australia was working exactly as intended – reducing the appeal of tobacco products, particularly among young people. The results exceeded some expectations, with evidence that plain packaging was also influencing cessation behaviour.

In February 2016, the Australian Government released the results of an independent post-implementation review of plain packaging, which showed that one quarter of the record decline in Australian smoking prevalence over the review period was attributable to the measure. This translates into Australia having 108,000 fewer smokers even at this early stage of the implementation of the measure. The review further concluded that the health benefits of plain packaging in improved public health outcomes are expected to grow substantially into the future.

Cancer Council Australia and Cancer Council Victoria congratulate the New Zealand Government for putting public health interests ahead of those of the tobacco industry by committing to the introduction of plain packaging. The following recommendations are based on the success of the Australian experience and lessons learned, and draw on the expertise of non-government public health professionals who reviewed the evidence on plain packaging and contributed to the development of Australia's plain packaging legislation.

## 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.***

We believe there is a strong case for standardising the number of cigarettes in packs to 20 or 25. This is because pack size (in terms of number of sticks) can be used as a marketing feature, including for the purpose of drawing attention to a particular brand or promoting extra “value” packs. While the Australian plain packaging regulations sets minimum and maximum dimensions for cigarette packs, these are based approximately on a standard pack size of 20 cigarettes up to a standard pack size of 40 cigarettes and manufactures can produce a pack of any size within these dimensions.

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.<sup>1</sup> 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 (ie, new pack sizes of 21, 22, 23 and 26 for brands traditionally sold in packs of 20 or 25).<sup>2</sup> All three major tobacco companies operating in Australia (Philip Morris, British America Tobacco Australia and Imperial Tobacco) have used this tactic, indicating it is a valuable marketing ploy still available to them under the Australian plain packaging regime. Examples are provided below.

We also support limiting the amount of loose tobacco to 30 or 50 grams to ensure that similar marketing tactics cannot be used by the tobacco industry to promote loose tobacco.



Holiday “super saver” offering 2 extra cigarette sticks



Bond Street (26 pack) and Just Smokes (25 pack) introduced early 2012 (pre-plain packaging in Australia)



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.***

A 2012 Australian study<sup>3</sup> considering cigarette stick dimension, tipping paper design and other branding on smokers' perceptions showed that cigarettes with different characteristics were perceived as different on attractiveness, quality and strength of taste. The study also found branded sticks were more attractive, higher in quality and stronger tasting than non-branded designs, regardless of brand. Slim sticks were less attractive to male smokers, while a patterned tipping paper and gold band was seen as more attractive and strongest tasting when compared non-branded designs.

Research undertaken in 2011 on behalf of the Australian Government<sup>4</sup> showed that there are strong assumptions and levels of appeal with different cigarette sticks. Manufacturers capture this appeal by utilising different stick types or sizes, colouration, branding and factors such as patterned tips.

Research undertaken with adolescents clearly shows that stick diameter can impact on appeal of a product and also mislead consumers about the potential harm. The study found that slim and 'superslim' 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<sup>5</sup>.

The Australian plain packaging regime places no limits on cigarette stick dimensions, meaning tobacco companies are free to use stick dimensions as a marketing tool, as long as the sticks are no bigger than the maximum pack dimensions allowed. British American Tobacco, who own the 'Vogue' brand of cigarettes, have 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. Extra space inside the pack was simply filled out with reconfigured pack lining (see the example below).

We therefore strongly support 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 be amended to also include a minimum length in order to ensure this marketing avenue is not available for tobacco manufacturers to exploit.



An example of how British American Tobacco modified the inside packaging of their 'Vogue' brand of 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.

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.***

The Australian plain packaging regime prescribes maximum and minimum dimensions for tobacco packaging (meaning that similar tobacco products can come in different sized packaging).<sup>6</sup> We commend the proposed New Zealand regulations, which improve on the Australian regulations by limiting pack size to 20 or 25s and setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain.

We note that unfortunately the maximum height allowed for packs in Australia is 125mm, which is considerably higher than a standard pack size. This has resulted in long slim packs (such as those used by the Vogue brand) remaining on the market. We commend the New Zealand regulations for restricting the length of cigarette sticks to no more than 95mm in length. We recommend that a maximum pack height be set to similar dimensions, in order ensure that the type of packaging described above (which is appealing to young females), will not be allowed on the New Zealand market.

We believe that setting standardised dimensions around the two proposed standard pack sizes (20s and 25s) will more effectively reduce the potential for pack designs to mislead consumers about harmful effects, or be used for promotional purposes.

***Pack size as a source of promotion***

The tobacco industry has been exploiting pack size and shape as a remaining form of tobacco promotion.<sup>7</sup> For example, Kotnowski and Hammond<sup>8</sup> make the following observations regarding tobacco industry research findings on pack shape:

*“Packaging with the smallest dimensions were attractive to young adults, irrespective of whether the pack contained 100mm, 120mm, regular or short length cigarettes. Overwhelmingly, packs with slim and thin configurations were appealing to young women” (p. 1161).*

Australian Government research shows that pack size adds to the appeal of tobacco products, with respondents forming associations with different pack sizes and shapes including, masculine and feminine smokers, ‘practicality’, and ‘novelty.’<sup>9</sup> For example, a ‘Vogue Super Slims’ pack was seen as “solely attractive for females under 25 years old”.<sup>10</sup>



Examples of slim cigarette packs

***Pack shape can mislead consumers about the harmful effects of smoking***

Kotnowski and Hammond make the following observations regarding tobacco industry research into the effects of pack shape on consumer perceptions regarding product strength:



*“Industry documents indicate that pack shape has been used to influence health-related perceptions of product ‘lightness’ and ‘reduced tar’, including through the use of slim configurations and rounded corners” (p. 1661).*

Leaving pack dimensions unspecified risks undermining the potential to achieve the objectives of standardised packaging, including (i) reducing the appeal of smoking and tobacco products, particularly for young people; (ii) further reducing any social and cultural acceptance and approval of smoking and tobacco products; (iii) making warning messages and images more noticeable and effective; and (iv) reducing the likelihood of consumers acquiring false perceptions about the harmful effects of tobacco products.

**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?***

We 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 should not be allowed in pouches of soft plastic. As the contents of a loose tobacco pouch decrease with use by the smoker, soft packaging allows the pack to be resealed and stored in a tighter and smaller roll, resulting in the health warnings being obscured. Having a rigid pack on which the health warning is always visible would ensure that the standardised packaging objective of increasing the effectiveness of health warnings is met for loose tobacco smokers.

Alternatively, soft packaging could be required to have some sort of rigid insert which cannot be removed that prevents the pack from being rolled up as the contents diminish. This would ensure the graphic health warnings are visible throughout the life of the pack and are the most effective they can be for this style of packaging.

For similar reasons to those outlined in point 3 above, we also believe that minimum and maximum pack dimensions for loose tobacco should be specified consistent with the gram weight they contain, in order to ensure that tobacco manufacturers cannot manipulate the size of the pack as a marketing tool.

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

**Yes**

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

We support the proposal to allow cigars to be sold singly in a cigar tube or in packs of 5 or 10 cigars only. For the reasons discussed in point 3 above, limiting pack size of any tobacco product ensures that tobacco manufacturers cannot manipulate pack size as a marketing tool for their products.

We support the proposal that cigarillos be treated the same as cigarettes, and only be permitted to be sold in packs of 20 or 25. Cigarillos (little cigars) have become increasingly popular with young people in some markets.<sup>11 12</sup> Requiring a minimum pack size of 20s (the same as cigarettes) means that the price of cigarillos will remain high so as to deter young people from purchasing the product. We also believe it is important that the restrictions on cigarette stick dimensions also apply to cigarillos.

**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.***

As noted in response to question 3 above, there is compelling evidence that smaller pack sizes appeal to young women and young people more broadly. Ensuring a minimum pack size is set for all tobacco products will ensure that packs cannot be made smaller than the specified dimensions in an attempt to appeal to vulnerable target audiences.

Another important reason for setting a minimum pack size for all tobacco packages is to ensure that the required health warnings remain large enough to be effective. Very small packaging such as that currently on the market in a number of countries has resulted in the prescribed health warnings being almost illegible in some instances, and greatly distorted in others. See the examples below.



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

In line with other comments in this submission, we also believe that minimum dimensions should be specified for individual cigarettes, cigarillos and cigars to ensure that the minimum size of any of these individual tobacco products is the size of a current standard cigarette stick found in a pack of 20s. Long and/or slim products that can be found in a range of cigarette, cigarillo and cigar products currently on the market should be disallowed so as not to appeal to young people and young women in particular.

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

**Yes**

*If yes, please provide detail below.*

We note that the draft regulations do not appear to address the following:

- the shape or dimensions of cigar packaging;
- the shape or dimensions of cigarette cartons;
- the dimensions of loose tobacco packs (as discussed above in response to question 4).

For the reasons outlined in response to questions 3, 4 and 6, we believe that the regulations should set a minimum and maximum height, width and depth for cigar packaging, cigarette cartons and loose tobacco packs. The shape of cigar packaging and cigarette cartons should also be standardised.

## 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.*

As outlined in the Consultation Document released with the draft Standardised Tobacco Products and Packaging Draft Regulations, 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, not matter what the speculated cause. The tobacco industry continues to fund KPMG to produce reports that we believe seriously overestimate the level of illicit trade in tobacco products in Australia and in no way reflect the use of illicit tobacco reported in Australian Government surveys. The KPMG reports have been regularly critiqued<sup>13</sup>.

The tobacco industry claimed prior to the implementation of plain packaging in Australia that plain packaging would make counterfeiting of packs easier. Counterfeiting is already incredibly sophisticated and there is no reason why plain packaging would make it easier for those so inclined to produce counterfeit packs. In fact 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 detected a counterfeit pack <sup>14</sup>.

Studies conducted in Australia indicate that when illicit products are reported or detected, they are normally clearly illicit as they have one or more of the following characteristics: they do not comply with any of the plain packaging requirements; they carry none of the required health warnings; they are sold without packaging; or are sold so cheaply that tax has clearly not been paid <sup>15 16</sup>.

Because the vast majority of illicit tobacco products make no effort whatsoever to comply with any packaging requirements, they are very easy to identify. Therefore, we believe that the alphanumeric code as permitted in the draft regulations is sufficient for the purposes of aiding in manufacturing and detection of illicit products and that no other marks are necessary.

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

If additional anti-counterfeiting marks are to be allowed, we recommend that the relevant provisions in the regulations be worded in a manner that is broadly consistent with various provisions in the Australian plain packaging regime concerning certain permitted markings. These provisions are worded in such a way as to ensure the markings cannot be used to communicate to consumers in a manner that might undermine the intention of standardised packaging. 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**

We do not believe there is any pressing reason for any other marks or features to be allowed on packs. If any other marks or features are allowed, then it should be specified that they in no way can constitute or provide access to tobacco advertising. Please see further comments on this issue under point 12 below.

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

**No**

Research shows that country of manufacture statements can act as a marketing tool to consumers, communicating appeal and providing an avenue for brands to differentiate themselves from competitors<sup>17</sup>. This may be particularly relevant in New Zealand where Imperial Tobacco have a manufacturing base, allowing them to appeal to patriotism in order to attract and retain smokers via a country of manufacture statement. All tobacco products have the potential to kill, no matter where they are made. Country of manufacture statements provide no useful health information to smokers, and anything that can act as a

marketing strategy and potentially undermine the intention of the standardised packaging regime should not be permitted.

## 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

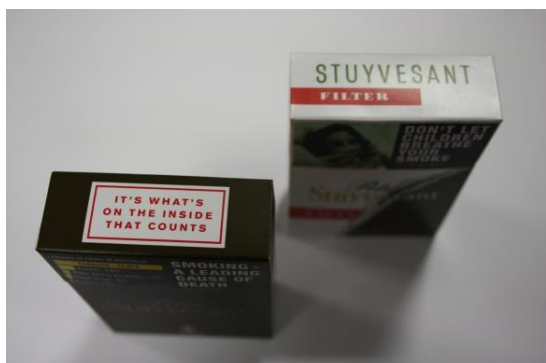
*If yes, please provide detail below.*

We believe amendment to the regulations to ensure they address the following issues will have a significant impact on reducing the appeal of tobacco products and increasing the effectiveness of standardised packaging.

### Standardisation of inner surfaces of tobacco packages

At present, the draft regulations appear to be silent on the colour and other requirements for the inner surfaces of tobacco packages. We believe this should be rectified in the final regulations.

Regulation 2.2.1(3) of the Australian Regulations provides that inner surfaces of cigarette packs must be white. Similar rules apply for all other tobacco packaging. White coloured packaging has been shown through research on external packaging to give rise to perceptions regarding decreased product strength and harm (among other things).<sup>18</sup> Having the inside of packaging and any linings the same drab, unattractive colour as the outside of the packaging will further reduce the appeal of tobacco and tobacco products. It is inconsistent that the outside of tobacco packaging should look unattractive and provide graphic images of the damage tobacco use can cause, while the inside of packaging where the cigarettes (or other tobacco products) are kept remains pristine, white/silver and clean. This may give the false impression that tobacco use is somehow less damaging than the outside packaging implies, and may also provide reassurance to smokers that inside the packaging nothing has changed and therefore their brand affinity is safe. Indeed, in the lead up to the operation of plain packaging in Australia, Imperial Tobacco (the makers of the Peter Stuyvesant brand) exploited this exact message by producing packaging with the slogan 'It's what's on the inside that counts' - providing reassurance to smokers that while packs may look different in the future, their known and trusted cigarettes will remain the same:



*Peter Stuyvesant brand – “It’s what’s on the inside that counts”*

We are very pleased to see that the New Zealand draft regulations require any pack lining (foil) to be fully coloured Pantone 448C. We believe that all inner surfaces of tobacco packaging should also be prescribed Pantone 448C, and should be required to satisfy the same requirements as outer surfaces (regarding matt finish, no embellishments etc).



## Standardisation of sticks to reduce appeal

There is a large and growing evidence base that shows the appeal of tobacco products could be further reduced if the colour of cigarette sticks was changed to an unappealing colour. Australian Government research on sticks showed that white sticks with cork tips were seen as 'everyday' and 'standard', and denoted a user experience that was familiar and desired. All white sticks portrayed sophistication linked with premium brands, association with menthol, foreign or budget cigarettes and female smokers<sup>19</sup>.

Recent New Zealand research also shows that denormalising the appearance of sticks through the use of unappealing colours could further enhance the effects of standardised packaging<sup>20</sup>

We support research into the most unappealing stick colour for cigarettes and for this colour to be prescribed in regulations.

## Standardising colour and dimensions of rolling papers

For similar reasons to those outlined in response to question 2, we believe that the length of rolling papers for tobacco should be prescribed as a maximum of 95mm to be consistent with the prescribed maximum length for cigarettes. Allowing longer papers provides an avenue for marketing. We also recommend that if a colour is prescribed to further reduce the appeal of cigarette sticks (as discussed in the dot point above), that this colour also be mandated for rolling papers.

## Improved restrictions on pack lining

Since the introduction of Australia's plain packaging regime, we note that Imperial Tobacco has introduced a new form of packaging in Australia, in an effort to circumvent Australia's packaging restrictions. Specifically, packs of 20 Peter Stuyvesant 'Blue Originals' cigarettes are being sold with a 'lift out' foil pack inside the outer cardboard packaging (see image below).

The inner package is made of a heavy and sturdy foil, and is therefore able to be carried by the smoker independently of the outer packaging. We understand that the Australian Department of Health is currently investigating the new form of packaging, but is yet to confirm its view regarding whether the packaging constitutes a breach of Australia's *Tobacco Plain Packaging Act 2011* (Cth).



Peter Stuyvesant 'Blue Originals' with 'lift out' foil packaging – an attempt to circumvent Australia's plain packaging legislation

We note that draft regulation 25(d) of the proposed NZ regulations requires any lining used in cigarette packs to be *'fixed to the inside of the pack and not easily detachable'*. The requirement for lining to be fixed to the inside of the pack may prevent similar packaging from being sold in New Zealand. However, for the avoidance of doubt, we recommend that draft regulation 25 be amended include wording which specifically prohibits 'lift-out' lining designs such as that deployed by Imperial Tobacco in Australia or lining that constitutes a sealed/complete pack within the main packaging. Equivalent provisions should also be included for cigar packs and loose tobacco packs.

## No pack features to constitute or provide access to tobacco advertising

The Australian plain packaging regime provides that the following pack features are prohibited from constituting and/or providing access to tobacco advertising. We recommend that the New Zealand Act and Regulations adopt similar measures where applicable.

- Origin marks<sup>21</sup>
- Calibration marks<sup>22</sup>
- Measurement marks and trade descriptions<sup>23</sup>
- Bar code<sup>24</sup>
- Fire risk statement<sup>25</sup>
- Locally made product statement<sup>26</sup>
- Name and address<sup>27</sup>
- Consumer contact telephone number<sup>28</sup>
- Embossing (automated manufacturing dots) of lining<sup>29</sup>
- Alphanumeric codes<sup>30</sup>
- Covert marks.<sup>31</sup>

Additionally, telephone numbers<sup>32</sup> and alphanumeric codes<sup>33</sup> must not represent, or be related in any way to, the brand or variant name of the tobacco product.

Below is a list of further features which do not appear to have been specifically addressed by the proposed New Zealand regulations (in addition to those identified in response to question 7 above). We believe that standardisation of these features would further increase the effectiveness of the draft regulations. Each of the features below has been addressed in the Australian legislation and/or regulations. Reference to the relevant Australian provisions has been included below.

- Use of adhesives and glues in all tobacco packages – adhesives and glues should be transparent and not coloured (see s18(1)(b) of Australia's *Tobacco Plain Packaging Act 2011* ('the Australian Act'));
- Use of windows/cut outs – tobacco packaging should not be permitted to have windows or cut-outs that enable the contents of the package to be visible from the outside (see r 2.1.6 of Australia's *Tobacco Plain Packaging Regulations 2011* ('the Australian Regs'));
- Use of 'onserts' in tobacco packages – onserts should be prohibited in the same manner as inserts (see s 23 of the Australian Act);
- Use of tabs for re-sealing cigar packages – tabs should be a standardised colour and should not be permitted to obscure any regulated requirement (see r 2.6.3 of the Australian Regs);
- Re-sealable transparent tabs used on packaging for loose tobacco – should be a standardised colour and should not be permitted to obscure any regulated requirement (see r 2.6.3 of the Australian Regs);
- Standardisation of material used for cigarette cartons – cartons should be rigid and made of cardboard (see s 18(2)(a) of the Australian Act);
- Irregularities in texture/use of embellishments for cigarette cartons – cartons should not be permitted to have irregularities in texture, or to be embellished in any way (see s 18 of the Australian Act).

## Other comments 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.*

### Pack warnings to be refreshed regularly

We recommend that health warnings used on all tobacco packaging be refreshed on a regular basis (i.e. every one to two years) to avoid warning 'wearout' or desensitisation.<sup>34</sup> The regulations should allow for new warnings to be rolled out via a straightforward regulatory process. We also recommend that the

regulations include a requirement that a minimum number of warnings be in circulation at any one time (e.g. a minimum of 10 different warnings).

### **Within-filter innovations to be banned**

We note that tobacco companies have begun producing cigarettes with flavour capsules embedded within the cigarette filter. These capsules can then be crushed by the smoker to release a burst of flavour (such as menthol). Flavour capsules appear to be increasing in popularity and tend to appeal to younger smokers.<sup>35</sup>

These 'within-filter' innovations have not been addressed by the Australian plain packaging legislation, however we recommend that these products be prohibited by the New Zealand regulatory regime given their potential to make cigarettes more appealing to young people and new smokers generally.

### **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. There was no issue with compliance within these timeframes by either manufacturers or retailers, and many packs were on the market prior to the 1 December 2012 deadline.

We note that the maximum timeframe provided for commencement of the New Zealand Act is 18 months after the date on which it receives Royal assent. Based on Australia's experience in implementing plain packaging (and the experience of many other countries globally in introducing graphic health warnings), we recommend that 12 months be the maximum time that should be allowed prior to the commencement of the Act and regulations. Tobacco manufacturers and retailers have proven they are very capable of making required changes in a timeframe of 12 months or even less. 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 possible.

### **Restriction of brand and variant names**

We commend the draft regulations for limiting the length of brand and variant names to 35mm maximum. However Australia's experience shows that tobacco companies are still exploiting brand and variant names as a form of marketing and limiting the length of brand names will only go some way towards addressing this.

We support the proposal in the submission put forward by the ASPIRE2025 group which recommends that the regulations restrict brand and variant names to those in use when the regulations were published (31 May 2016). In addition, we would further recommend that the use of colours in a brand or variant name (such as 'red' or 'gold' or 'silver' etc.) also be prohibited. In Australia we have seen many companies including the actual colour of the old pack as part of a revised brand or variant name in order to continue misleading connotations of strength from the old packaging. This clearly undermines the purpose of the legislation to reduce the likelihood of consumers acquiring false perceptions about the harmful effects of tobacco products. Examples are provided below.



# CONCLUSION

As demonstrated throughout this submission, plain packaging of tobacco, since its introduction in Australia, has exceeded expectations as an effective public health measure. It is set to deliver further benefits – in Australia, France, Ireland, the UK, New Zealand and elsewhere. The vehement opposition to plain packaging from the tobacco industry is, in our view, further evidence of the measure's current and potential capacity to significantly reduce tobacco consumption.

Cancer Council Australia and Cancer Council Victoria greatly appreciate the opportunity to contribute to the commendable work of the New Zealand Government in seeking to take plain packaging to a new level of effectiveness.

## REFERENCES:

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<sup>1</sup> Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.

<sup>2</sup> Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.

<sup>3</sup> Borland R. and Savvas S., 'Effects of stick design features on perceptions of characteristics of cigarettes'. *Tobacco Control* 2012 (released 6 March). Available from: <http://www.ncbi.nlm.nih.gov/pubmed/22396209>

<sup>4</sup> Parr V., Tan B., Ell P., and Miller K., 'Market Research to Determine Effective Plain Packaging of Tobacco Products. Study 1: Perception of Cigarette Sticks' (section 11). Sydney, Australia: GfK Bluemoon, 2011. Available from: [http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/\\$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf](http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf)

<sup>5</sup> Ford, A., Moodie, C., MacKintosh, A., and Hastings, G., (2013) 'Adolescent perceptions of cigarette appearance', *European Journal of Public Health*, pp 464-468.

<sup>6</sup> *Tobacco Plain Packaging Regulations 2011* (Cth): cigarettes: r 2.1.1; cigars: r 2.1.4; other: r 2.1.5.

<sup>7</sup> Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, pp. 1658-1668.

<sup>8</sup> Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, 1658-1668.

<sup>9</sup> Market Research to Determine Effective Plain Packaging of Tobacco Products (2011) GfK bluemoon, Study 1, [http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/\\$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf](http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf)

<sup>10</sup> 'Market Research to Determine Effective Plain Packaging of Tobacco Products' (2011) GfK bluemoon, Study 1, Available at: [http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/\\$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf](http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf)

<sup>11</sup> Campaign for Tobacco-Free Kids, (2013) 'Not Your Grandfather's Cigar: A New Generation of Cheap and Sweet Cigars Threatens a New Generation of Kids'. Available at: [http://www.tobaccofreekids.org/what\\_we\\_do/industry\\_watch/cigar\\_report/](http://www.tobaccofreekids.org/what_we_do/industry_watch/cigar_report/)

<sup>12</sup> Campaign for Tobacco-Free Kids, (2014) 'Tobacco Unfiltered: Sweet, Cheap and Colorful – No Wonder Kids are Smoking Cigars'. Available at: [http://www.tobaccofreekids.org/tobacco\\_unfiltered/post/2014\\_06\\_13\\_cigars](http://www.tobaccofreekids.org/tobacco_unfiltered/post/2014_06_13_cigars)

<sup>13</sup> See Cancer Council critiques available at: <https://www.cancervic.org.au/plainfacts/browse.asp?ContainerID=illicittobacco>

<sup>14</sup> KPMG LLP, 'Illicit tobacco in Australia', 2014 half year report, Sydney: BATA, at page 40.

<sup>15</sup> Scollo, M., Wakefield, M., and Bayly, M., (2014) 'Availability of Illicit Tobacco in Small Retail Outlets Before and After the Implementation of Australian Plain Packaging Legislation', *Tobacco Control Journal*, 24, e45-e51, Available at: <http://tobaccocontrol.bmj.com/content/24/e1/e45.full>.

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- <sup>16</sup> Scollo, M., Zachar, M., Coomber, K., and Wakefield, M., (2015) 'Use of Illicit Tobacco Following Introduction of Standardised Packaging of Tobacco Products in Australia: Results from a National Cross-Sectional Survey', *Tobacco Control Journal*, 24, ii76-ii81. Available at: [http://tobaccocontrol.bmj.com/content/24/Suppl\\_2/ii76.short](http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii76.short)
- <sup>17</sup> Piron, F., (2000) 'Consumers' Perceptions of the Country-of-Origin Effect on Purchasing Intentions of (in) Conspicuous Products', *Journal of Consumer Marketing*, 17(4), pp308-321.
- <sup>18</sup> Stead, M., and Moodie, C., et al. (2013) 'Is Consumer Response to Plain/Standardised Tobacco Packaging Consistent with Frame Convention on Tobacco Control Guidelines? A Systematic Review of Quantitative Studies', *PloS one*, 8(10), e75919. Available from: <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0075919>
- <sup>19</sup> Parr, V., Tan, B., and Miller, K., (2011) 'Market Research to Determine Effective Plain Packaging of Tobacco Products. Study 1: Perception of Cigarette Sticks', *GfK Bluemoon*, Available from: [http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/\\$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf](http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf)
- <sup>21</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>22</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>23</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>24</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>25</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>26</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>27</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>28</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).
- <sup>29</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.1.3(3)(c).
- <sup>30</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) - cigarettes: r 3.1.2(3)(a)-(b); cigars r 3.2.1(7)(a)-(b).
- <sup>31</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.2.1(4).
- <sup>32</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.9(1)(c)(iv).
- <sup>33</sup> *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.1.2(3)(f)
- <sup>34</sup> See paragraphs 19 to 22 of the 'Guidelines for Implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and Labelling of Tobacco Products)', available at: [http://www.who.int/fctc/guidelines/article\\_11.pdf?ua=1](http://www.who.int/fctc/guidelines/article_11.pdf?ua=1)
- <sup>35</sup> Thrasher, J., Abad-Vivero, E., Moodie, C., O'Connor, R., Hammond, D., Cummings, K., et al. (2015), 'Cigarette brands with flavour capsules in the filter: trends in use and brand perceptions among smokers in the USA, Mexico and Australia', *Tobacco Control*, 2015.

29 July 2016



Ministry of Health  
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Email: [standardisedtobacco@moh.govt.nz](mailto:standardisedtobacco@moh.govt.nz)

Dear Sir/Madam,

**RE: Standardised Tobacco Products and Packaging Draft Regulations**

Cancer Council Western Australia (CCWA) endorses the joint submission provided by Cancer Council Australia (CCA) and Cancer Council Victoria (CCV) on the New Zealand Government's 'Standardised Tobacco Products and Packaging Draft Regulations'.

In endorsing the CCA and CCV submission, CCWA supports the following in relation to the size and quantities of tobacco products, as per the evidence provided;

- Limiting the number of cigarettes in a pack to 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams
- Restricting the dimensions of cigarette sticks by setting minimum and maximum length and diameter
- 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.
- Standardising cigar packaging, including limiting the number of cigars that may be sold in a pack.
- Ensuring that loose tobacco is only sold rigid rectangular containers of one specified size, and not be allowed in rectangular pouches made of soft-plastic
- Ensuring minimum and maximum height, width and depth for cigar packaging, cigarette cartons and loose tobacco packs.

In addition, CCWA supports the following in relation to permitted markings on tobacco packaging, as justified in the CCA and CCV submission;

- Allowing for alphanumeric codes on cigarettes and tobacco product packaging to assist with detecting counterfeit products
- Not allowing any other marks or features on tobacco product packages for automated manufacturing and packaging processes
- Not allowing for the country of manufacture to be printed on tobacco products or packages.



As outlined in the CCA and CCV submission, CCWA also urges the New Zealand Government to amend its regulations to standardise inner surfaces of tobacco packages, cigarette sticks and the colour and dimensions of rolling papers as well as other features of tobacco products and packaging (see question 12), to align with Australian legislation. CCWA also supports, the following, as per the recommendations and evidence provided in the CCA and CCV submission;

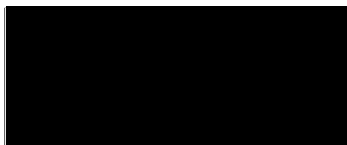
- Regularly refreshing warnings on packs (i.e. every one to two years)
- Banning 'within-filter' innovations
- Providing a maximum of 12 months for the implementation of the Act and its regulations
- Restricting tobacco product brand and variant names to those in use when the regulations were published (in May 2016), and prohibit use of colours in a brand or variant name (e.g. 'red', 'gold').

CCWA commends the New Zealand Government for setting a new standard for packaging of tobacco products in regard its measures relating to size and quantities of tobacco products. While Australia was the first country to introduce standardised packaging of tobacco products, if the proposed regulations, combined with the recommendations from this consultation are implemented, New Zealand will have the most comprehensive standardised packaging of tobacco products than any other country, thus far, and consequently make a significant contribution to reducing tobacco-related harm.

Please note, CCWA does not have any tobacco industry links or vested interests, and does not require any comments made in this endorsement to be confidential.

We thank the New Zealand Ministry of Health for the opportunity to provide comment on this important consultation for the standardised packaging of tobacco products. Please do not hesitate to contact me on 08 9388 4368 or email [ljardine@cancerwa.asn.au](mailto:ljardine@cancerwa.asn.au) if you would like further information.

Yours sincerely



Cancer Council WA



29 July 2016

Ministry of Health,  
New Zealand  
[standardisedtobacco@moh.govt.nz](mailto:standardisedtobacco@moh.govt.nz)

Dear Sir/Madam

**Re: Standardised Tobacco Products and Packaging Draft Regulations**

The Australian Council on Smoking and Health (ACOSH) welcomes the opportunity to provide feedback on the proposed introduction of Standardised Tobacco Products and Packaging Draft Regulations in New Zealand.

ACOSH represents a further 42 member organisations from health and related areas. We welcome this important initiative by the Government of New Zealand that, if implemented, will significantly reduce the health effects of smoking and the ability of the tobacco industry to recruit new child smokers.

We are aware of the submission provided by Cancer Council Australia (CCA) and the Cancer Council Victoria (CCV). This is an excellent and comprehensive submission that addresses the main issues relevant to this consultation. ACOSH believes that there is little purpose to be served in replicating this submission from Australia's leading Cancer Organisations, so ACOSH wishes to support and endorse their conclusions. ACOSH would therefore be grateful if our response could be registered as supporting the comments and conclusions from the CCA and CCV submission.

We would further wish to note that:

- 1) Australia is currently a world leader in reducing smoking. There is very strong evidence on the measures national and state governments should take to reduce smoking further throughout the community. It is important to maintain the emphasis on the action we know works; it is also important that there is no diminution of effort and no distraction from evidence-based activities.
- 2) There is now comprehensive evidence that the plain packaging of tobacco products makes cigarettes and tobacco less attractive particularly to youth.
- 3) The recommendation for tobacco plain packaging in Australia by the Preventive Health Taskforce was made on the basis of strong evidence already available at the time from both compelling research and tobacco and marketing industry documents and reports.
- 4) It is vital that plain packaging be seen as part of a comprehensive approach, rather than as a single measure in isolation.



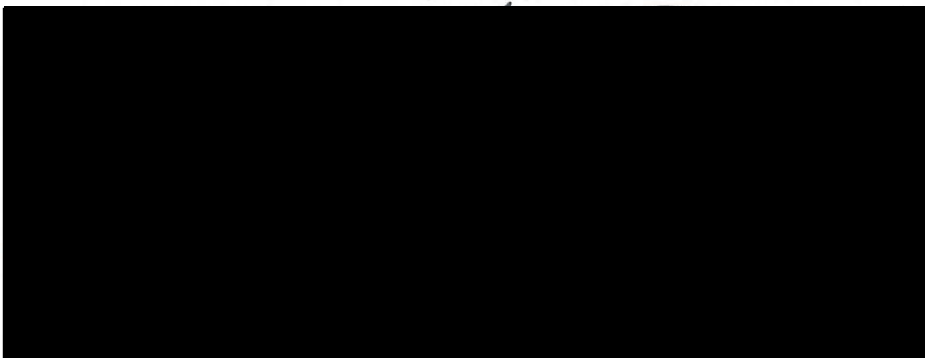


- 5) While any short-term impacts are a bonus, plain packaging was always seen and always should be seen as a measure designed to achieve impacts over the longer term.
- 6) Australia's Former Health Minister Nicola Roxon, made very clear at the initial announcement of the Australian Government's intention to introduce plain packaging, the key target for this measure is reducing smoking in children; this is clearly also a long-term aim.
- 7) The introduction of plain packaging has been heavily undermined by tobacco companies and related interests which have done their best to reduce its impact.
- 8) The New Zealand Government should expect to receive from the tobacco industry, and related industries, arguments and "evidence" purporting to cast doubt on the impact of plain packaging that generally has no credibility. These almost invariably rely on misleading information, misleading interpretations of data, omission of crucial information, selective quotations, industry-commissioned and non-peer reviewed reports and grossly misleading commentaries on official and other data. It is worth noting that as well as a range of comprehensive analyses of and responses to the various industry claims, their positions have been rejected by health authorities such as the World Health Organization and governments such as those of Ireland and the United Kingdom (where the Chantler Review, along with its support documentation, provides further reason to discount industry arguments).
- 9) Even after a short period, plain packaging is clearly meeting the objectives set out for this measure in Australia.
- 10) The Australian Government's Post Implementation Review of Tobacco Plain Packaging 2016, confirmed that plain packaging has contributed to the declines in smoking prevalence since December 2012: plain packaging is responsible for one quarter of the total decline in the average prevalence of smoking observed between the 34 months prior to implementation of this measure and the 34 following the implementation of this measure.

We hope this information will be of assistance.

If you would like further information or discuss, please do not hesitate to contact me.

With best wishes





29 July 2016

The Ministry of Health  
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New Zealand

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

Dear Sir/Madam

### **Standardised Tobacco Products and Packaging**

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to provide feedback on the proposed regulations to standardise tobacco products and packaging.

The RACP works across more than 40 medical specialties to educate, innovate and advocate for excellence in health and medical care. Working with our senior members, the RACP trains the next generation of specialists, while playing a lead role in developing world best practice models of care. We also draw on the skills of our members, to develop policies that promote a healthier society. By working together, our members advance the interest of our profession, our patients and the broader community.

The RACP commends the work being done to support the Government's goal to achieve Smokefree Aotearoa 2025. Legislation for standardised tobacco packaging and products will provide an essential component of a comprehensive programme to eliminate all forms of tobacco advertising and promotion. In light of widespread restrictions on advertising, packaging has become the key promotional tool for the tobacco industry to encourage smokers and potential smokers to purchase tobacco products.<sup>1</sup> Research shows that tobacco advertising and promotion increases the likelihood that adolescents will start smoking.<sup>2</sup> Standardising tobacco products and packaging removes the remaining means for the industry to promote its products, and would therefore help curb the uptake of smoking in the younger population.<sup>3</sup>

While the RACP agrees with the intent of the proposed regulations within the consultation document, we believe a stronger stance on exact measurements and features of tobacco products and packaging is required. The purpose of having uniformity in regards to exact measurements is to ensure that the tobacco industry has no decision-making powers, which may lead to brand distinction. Additionally we recommend that the country of manufacture is not printed anywhere as it is a form of variance that may also add or detract value for consumers.

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<sup>1</sup> Freeman B, Chapman S, Rimmer M, *The Case for Plain Packaging of Tobacco Products*. Addiction, 2008.

<sup>2</sup> Evans N, Farkes A, Gilpin E, Berry C, Pierce J, *Influence of tobacco marketing and exposure to smokers on adolescent susceptibility to smoking*, Journal of the National Cancer Institute, 1995:p1538-1545.

<sup>3</sup> Goldberg ME, Kindra G, Lefebvre J, Liefeld J, Madillmarshall J, Martohargjono M, Vredenburg H, *When packages can't speak: Possible impacts of plain and generic packaging of tobacco products*, 1995.



As tobacco reform is an area that is constantly developing in reaction to both the tobacco industry and consumers, we recommend that the legislation also include a provision to extend the scope and update the regulations subject to the emergence of new evidence. Further public health research will be necessary to support comprehensive tobacco control and urge the government to continue evaluating its policies and legislations.

The RACP thanks the Ministry of Health for the opportunity to provide feedback on this proposal. To discuss this submission further, please contact the New Zealand Policy and Advocacy Unit on [policy@racp.org.nz](mailto:policy@racp.org.nz).

Yours sincerely

[redacted]

[redacted]

[redacted]

**The Royal Australasian College of Physicians**