

Action required by: 29 March 2012

File number: PP70-04-7

Health report

To: Hon Tariana Turia

cc: Hon Tony Ryall

Title: Cabinet Paper – 'Plain packaging' of tobacco products

- i. In September last year [CAB Min (11) 34/6A refers] Cabinet agreed to actively consider the introduction of plain packaging in 2012 and sought this report back with further advice on the regulatory impacts, the implications under trade and investment agreements, and the options, including the option of introducing plain packaging in New Zealand.
- ii. The paper and the attached regulatory impact statement (RIS) make the case that plain packaging would be an important next step for tobacco control in New Zealand. There is clear evidence that it will be an effective measure to reduce the appeal of tobacco products and strengthen the impact of mandatory pictorial health warnings.
- iii. The paper recommends that Cabinet agree in principle to introducing plain packaging in alignment with Australia, subject to a public consultation process to be undertaken mid-year.
- iv. A consultation document is being prepared based on the RIS and a more detailed source document that comprehensively references the substantial body of research literature that supports the case for plain packaging. This evidence base may be further supplemented by work being undertaken in the United Kingdom, which is also expected to consult on plain packaging this year.
- v. If New Zealand adopts plain packaging, we can expect to defend challenges from tobacco producing countries in WTO processes. We also risk litigation by tobacco companies under trade and investment agreements [withheld s9(2)(h)] [redacted]. Public consultation, and consideration of any new concerns or evidence that come to light, is an important step before deciding to introduce legislation to implement the proposal.
- vi. The paper recommends two further report backs to Cabinet:
 - a. by 30 June 2012 to approve release of the consultation document; and
 - b. by 30 November 2012 with recommendations for final policy decisions.
- vii. Following this, legislation could potentially be introduced early in 2013, and come into force in 2014. This timeframe for harmonisation with Australia would avoid any difficulties under the Trans Tasman Mutual Recognition Arrangement.
- viii. The paper also alerts Cabinet of your intention to bring other proposals this year to strengthen tobacco control, for example proposals for further tobacco excise tax rises.

The Ministry recommends that you:

- a) **Sign** the attached Cabinet Paper and CAB100 form Yes / No
- b) **Forward** the Cabinet Paper and CAB100 to the Cabinet Office by 10.00am on Thursday 29 March. Yes / No

Ashley Bloomfield (Dr)
Acting Deputy Director-General
Sector Capability and Implementation

Minister's Signature:

Date:

Ministry of Health Contacts:

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Minister's feedback on quality of report

Very poor (1)	Poor (2)	Neutral (3)	Good (4)	Very Good (5)
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END.

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