



## Plain Packaging – Overview

March 10, 2015

Plain packaging would prohibit brand colours, logos and graphics on tobacco packages, thus eliminating the package as mini-billboards that promote tobacco. Required health warnings would appear on packages, but the branded part of the package would have a standard colour for all brands, such as the drab brown required in Australia (see images next page). Package dimensions would be standardized, thus eliminating Slims and Superslims packs targeting women.

Plain packaging would (1) eliminate promotional aspects of packaging; (2) curb deceptive messages conveyed through packaging; (3) enhance the effectiveness of health warnings; (4) reduce tobacco use. Plain packaging would build on existing packaging regulation that requires health warnings, that requires toxic emission messages on package sides, and that prohibits misleading descriptors “light” and “mild”.<sup>1</sup>

### International developments

**Summary:** Implemented in Australia in 2012, legislation pending in Ireland and UK for implementation May 20, 2016, and under formal consideration in France, Norway, Sweden, Finland and New Zealand.

**Australia** – Plain packaging legislation adopted Dec. 1, 2011 and fully implemented Dec. 1, 2012.<sup>2</sup> Constitutional challenge dismissed by High Court of Australia August 15, 2012.<sup>3</sup>

**Ireland** – Plain packaging bill enacted March 10, 2015; to come into force May 20, 2016.<sup>4</sup>

**United Kingdom** – Enabling legislation approved by Parliament March 13, 2014.<sup>5</sup> Proposed regulations laid before Parliament Feb. 23, 2015,<sup>6</sup> with House of Commons vote set for March 11, 2015. Regulations set to come into force May 20, 2016 applying to England, Wales<sup>7</sup> Northern Ireland<sup>8</sup> and Scotland.<sup>9</sup>

**France** – The French Government announced Sept. 25, 2014 that it would implement plain packaging,<sup>10</sup> and on March 5, 2015 gave formal notice to the European Commission.<sup>11</sup>

**New Zealand** – Government Bill introduced Dec. 17, 2013, first reading Feb. 11, 2014,<sup>12</sup> approved by Health Committee Aug. 5, 2014.<sup>13</sup> The bill continues in Parliament following Sept. 20, 2014 election.<sup>14</sup>

**Norway** – Government commenced a consultation on plain packaging in February 2015.<sup>15</sup>

**Sweden** – Health Minister announced, on February 18, 2015, that a Committee examining implementation of the new EU Tobacco Products Directive would consider plain packaging.<sup>16</sup>

**Finland** – Government national action plan (June 2014) includes plain packaging as planned measure.<sup>17</sup>

**European Union** – new *Tobacco Products Directive* adopted April 3, 2014 explicitly states that 28 EU countries have option of implementing plain packaging.<sup>18</sup>

**WHO Framework Convention on Tobacco Control (FCTC)** – Guidelines under the FCTC, the international tobacco control treaty, recommend that governments implement plain packaging.<sup>19</sup> The FCTC has been widely ratified by countries, with 180 Parties to the FCTC.<sup>20</sup>

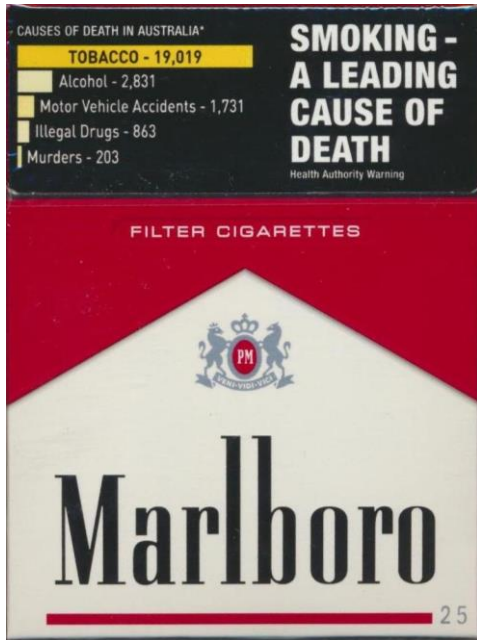
### Evidence supports plain packaging

- There is compelling evidence, including extensive studies, supporting implementation of plain packaging. An updated March 2014 evidentiary overview, reviewing 75 empirical studies, was prepared by University of Waterloo Professor David Hammond for the Irish Government.<sup>21</sup> Fact sheets on the Australian experience to date are available (Cancer Council Victoria, Mar. 2015).<sup>22</sup>
- If plain packaging would not work to reduce smoking, then why is the industry so strongly opposed?

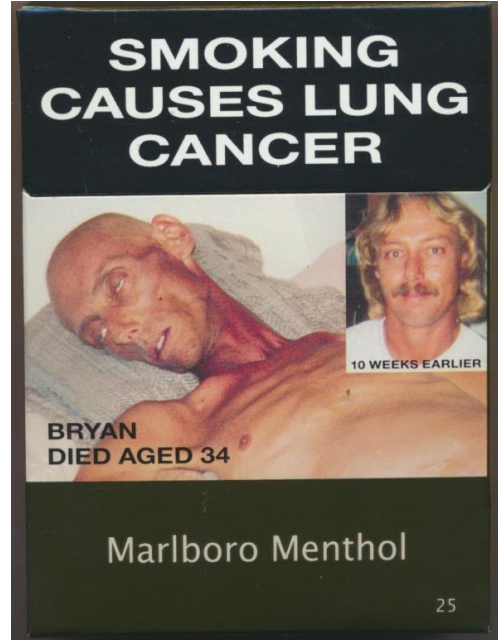
### The Canadian situation

- Plain packaging was recommended in 1994 by House of Commons Standing Committee on Health.<sup>23</sup>
- Plain packaging could be required by regulation under the federal *Tobacco Act*.<sup>24</sup>

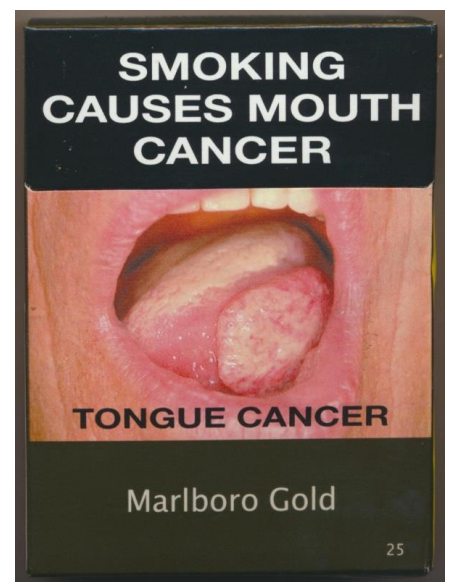
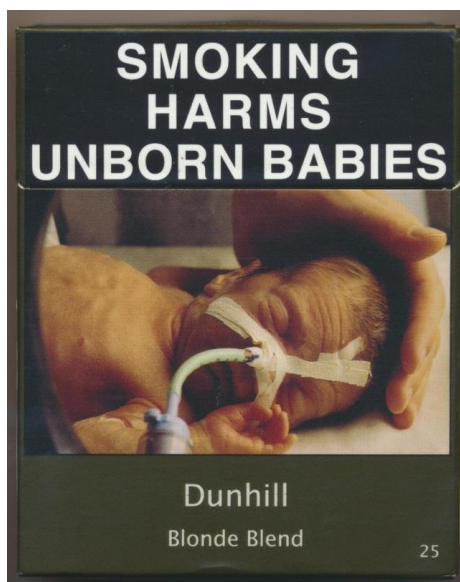
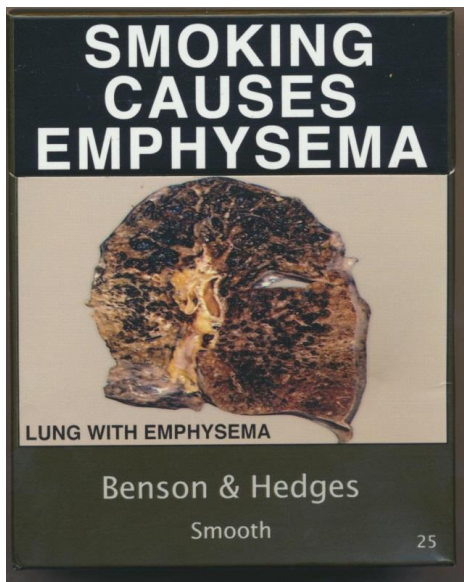
Examples of Plain Packaging from Australia



Before



After



Packages of Benson & Hedges, Dunhill and Marlboro cigarettes in plain packages from Australia

## Endnotes

<sup>1</sup> For an international overview of package health warnings, see: Canadian Cancer Society, *Cigarette Package Health Warnings: International Status Report*, Fourth Edition, September 2014.

English:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/CCS-international-package-warnings-report-2014-ENG.pdf>

French:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/SCC-rapport-international-mises-en-garde-2014-FR.pdf>

Arabic, Chinese, Portuguese, Russian, Spanish:

[http://global.tobaccofreekids.org/en/solutions/international\\_issues/warning\\_labels/](http://global.tobaccofreekids.org/en/solutions/international_issues/warning_labels/)

Canadian regulations concerning packaging and labelling are as follows:

*Tobacco Products Labelling Regulations (Cigarettes and Little Cigars)*, SOR/2011-177.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-177/latest/sor-2011-177.html>

*Tobacco Products Information Regulations*, SOR/2000-272.

<http://www.canlii.org/en/ca/laws/regu/sor-2000-272/latest/sor-2000-272.html>

*Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)*, SOR/2011-178.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-178/latest/sor-2011-178.html>

<sup>2</sup> *Tobacco Plain Packaging Act 2011*, No. 148, 2011. <http://www.comlaw.gov.au/Details/C2011A00148>

*Trade Marks Amendment (Tobacco Plain Packaging) Act 2011*, No. 149, 2011.

<http://www.comlaw.gov.au/Details/C2011A00149>

*Tobacco Plain Packaging Regulations 2011*, Select Legislative Instrument 2011 No. 263 as amended.

<http://www.tobaccocontrolaws.org/files/live/Australia/Australia%20-%20PP%20Regs%20-%20national.pdf>

<sup>3</sup> *JT International SA v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

<http://www.austlii.edu.au/au/cases/cth/HCA/2012/43.html>

<sup>4</sup> *Public Health (Standardised Packaging of Tobacco) Bill 2014*, Bill Number 54 of 2014, introduced in the Seanad (Senate) June 11, 2014, approved by Senate June 25, 2014, approved with amendments by Dail (lower house) Feb. 26, 2015, bill as amended approved by Seanad March 3, 2015. The bill was signed by the President March 10, 2015. Some Ministerial regulations/orders are still needed, such as to specify the base colour of packages.

<http://www.oireachtas.ie/viewdoc.asp?DocID=26331&&CatID=59>

<sup>5</sup> *Children and Families Act 2014*, 2014 no. 6, section 94.

[http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga\\_20140006\\_en.pdf](http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf)

<sup>6</sup> *The Standardised Packaging of Tobacco Products Regulations 2015*, proposed regulations, laid before Parliament Feb. 23, 2015.

[http://www.legislation.gov.uk/ukdsi/2015/9780111129876/pdfs/ukdsi\\_9780111129876\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2015/9780111129876/pdfs/ukdsi_9780111129876_en.pdf)

<sup>7</sup> Welsh Government, “Health Minister gives go-ahead for standardised packaging for cigarettes to be introduced in Wales” (news release) January 29, 2015.

<http://wales.gov.uk/newsroom/healthandsocialcare/2015/packaging/?lang=en>

<sup>8</sup> Northern Ireland Department of Health, Social Services and Public Safety, “Standardised Packaging for Tobacco Products to be Introduced in Northern Ireland” (press release) February 2, 2015.

<http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dhssps/news-dhssps-020215-standardised-packaging-for.htm>

<sup>9</sup> Scottish Government, “Plain tobacco packaging” (news release) January 22, 2015.

<http://news.scotland.gov.uk/News/Plain-tobacco-packaging-14da.aspx>

<sup>10</sup> Government of France, “Programme national de reduction du tabagisme” Dossier de presse, Sept. 25, 2014 (French).

[http://www.sante.gouv.fr/IMG/pdf/250914\\_-\\_Dossier\\_de\\_Presse\\_-\\_PNRT\\_2\\_.pdf](http://www.sante.gouv.fr/IMG/pdf/250914_-_Dossier_de_Presse_-_PNRT_2_.pdf)

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Speech by French Health Minister Marisol Touraine, September 25, 2014 (French):

[http://www.sante.gouv.fr/IMG/pdf/250914 - Discours Marisol Touraine - PNRT.pdf](http://www.sante.gouv.fr/IMG/pdf/250914_-_Discours_Marisol_Touraine_-_PNRT.pdf)

<sup>11</sup> “Paquet neutre (générique) : le gouvernement notifie le projet de Marisol Touraine à Bruxelles” March 5, 2015.

<http://www.lemondedutabac.com/paquet-neutre-generique-le-gouvernement-notifie-le-projet-de-marisol-touraine-a-bruxelles/>

<sup>12</sup> *Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill*, Bill 186-1, first reading Feb. 11, 2014.

[http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH\\_BILL12969\\_1/smoke-free-environments-tobacco-plain-packaging-amendment](http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12969_1/smoke-free-environments-tobacco-plain-packaging-amendment)

<sup>13</sup> New Zealand Parliament Health Committee, Report, August 5, 2014.

[http://www.parliament.nz/resource/en-nz/50DBSCH\\_SCR57000\\_1/3b7b2a74d0e52515fe202f3cdfaac3c15fd156d4](http://www.parliament.nz/resource/en-nz/50DBSCH_SCR57000_1/3b7b2a74d0e52515fe202f3cdfaac3c15fd156d4)

<sup>14</sup> The New Zealand bill continues and is renumbered as Bill 186-2 following the Sept. 20, 2014 national election.

<http://www.legislation.govt.nz/bill/government/2013/0186/latest/DLM5821008.html?src=qs>

<sup>15</sup> Norwegian Ministry of Health and Care Services, “Norwegian Government to consult on proposal for standardised packaging of tobacco products” (press release) February 9, 2015.

<https://www.regjeringen.no/en/aktuelt/foreslar-standardiserte-tobakkspakninger/id2395028/>

<sup>16</sup> Radio Sweden, “A smoke-free Sweden by 2025?” February 18, 2015, includes audio of interview with Minister of Public Health Gabriel Wikström.

<http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6096581>

<sup>17</sup> Finland Ministry of Social Affairs and Health, “Roadmap to a Tobacco-Free Finland: Action Plan on Tobacco Control” 2014 (published June 27, 2014).

<http://www.stm.fi/en/publications/publication/-/julkaisu/1886404#en>

<sup>18</sup> *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, Article 24(2).

[http://ec.europa.eu/health/tobacco/docs/dir\\_201440\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf)

<sup>19</sup> Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products), paragraph 46.

[http://www.who.int/fctc/guidelines/article\\_11.pdf?ua=1](http://www.who.int/fctc/guidelines/article_11.pdf?ua=1)

Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship), paragraphs 15-17. [http://www.who.int/fctc/guidelines/article\\_13.pdf?ua=1](http://www.who.int/fctc/guidelines/article_13.pdf?ua=1)

<sup>20</sup> For a list of Parties, see: [http://www.who.int/fctc/signatories\\_parties/en/](http://www.who.int/fctc/signatories_parties/en/)

<sup>21</sup> David Hammond, “Standardised Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health” March 2014.

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

<sup>22</sup> Cancer Council Victoria, five fact sheets, released March 2, 2015

<https://www.cancervic.org.au/plainfacts/browse.asp?ContainerID=factsheets1>

<sup>23</sup> House of Commons Standing Committee on Health, “Towards Zero Consumption: Generic Packaging of Tobacco Products” Report of the House of Commons Standing Committee on Health, 1994.

<sup>24</sup> *Tobacco Act*, Statutes of Canada 1997, chapter 13, sections 23, 33.

<http://www.canlii.org/en/ca/laws/stat/sc-1997-c-13/latest/sc-1997-c-13.html>