
Submission on Proposal to Introduce Plain Packaging of Tobacco Products in New Zealand

This form has been provided to assist submitters respond to the specific consultation questions set out in the consultation document. It is not intended to limit or constrain submissions in any way. Submitters may prefer to raise other issues or address the questions in other ways. All written submissions in any form received by the closing date will be considered in full.

Submissions close on Friday 5 October 2012 at 5 pm.

Please email your submission to:

tobacco@moh.govt.nz

and put 'Plain packaging consultation' in the subject line.

Alternatively you may post your submission to:

Plain Packaging Consultation
Tobacco Control Programme
Ministry of Health
PO Box 5013
Wellington 6145

Submitter details

You do not have to answer all the questions or provide personal information if you do not want to but you are asked to declare any direct or indirect links to the tobacco industry.

Do you have any direct or indirect links to the tobacco industry?

Yes

No

If yes, please comment on the nature of these links.

This submission was completed by: **Dr Julia Peters**
(name)

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Organisation (if applicable): **New Zealand College of Public Health Medicine**

Position (if applicable): **President**

Are you submitting this as:
(Tick one box only in this section)

- ~~an individual (not on behalf of an organisation)~~
- on behalf of a group or organisation(s)

Your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will release your submission to the person who requested it. However, if you are an individual as opposed to an organisation, the Ministry will remove your personal details from the submission if you check the 'no' box:

- No, I do not give permission for my personal details to be released under the Official Information Act 1982
- Yes, I do give permission for my personal details to be released under the Official Information Act 1982

The public report on the consultation will seek to avoid prejudice to the commercial position of respondents who provide commercially sensitive information. Submitters are therefore asked to clearly indicate any information they wish to have treated as confidential commercially sensitive information.

General consultation questions

1. Overall, do you support or oppose the proposal to introduce plain packaging of tobacco products in New Zealand, as outlined in this consultation document?

- Support
- Oppose _____
- Not sure _____

Comment:

The New Zealand College of Public Health Medicine (NZCPHM) supports the goal of making Aotearoa New Zealand a smoke-free nation by 2025. The NZCPHM also supports the numerous measures across different levels proposed by the Smokefree Coalition in obtaining this goal, including plain packaging.

The College has taken a strong policy stance over tobacco control including plain packaging, which is available in its Tobacco Control and its Trans-Pacific Partnership Agreement policies at

<http://www.populationhealth.org.nz/media/77454/2012%2006%20tobacco%20control%20policy%20statement.pdf> and

<http://www.populationhealth.org.nz/media/77457/2012%2006%20trans%20pacific%20partnership%20policy%20statement.pdf>. We attach these for information.

2. Do you agree that plain packaging of tobacco products has the potential to:

- reduce the appeal of tobacco products?
- increase the effectiveness of health warnings on tobacco packaging?
- reduce the ability of tobacco packaging to mislead consumers about the harmful effects of smoking?
- influence the attitudes and behaviours of children and young people?

- Yes
- No _____
- Not sure _____

Comment:

If you do not agree that plain packaging should be introduced, are there other options you think should be adopted to address the issues above?

Comment:

3. Do you agree that plain packaging of tobacco products would help to:

- discourage young people from taking up smoking?
- encourage people to give up smoking?
- help stop people who have quit smoking from relapse?
- contribute to a reduction in smoking prevalence in New Zealand and reduce people's exposure to second-hand smoke?

- Yes
- No _____
- Not sure _____

Comment:

Plain packaging should be part of a comprehensive range of measures to help NZ achieve the goal of a smokefree nation. Plain packaging will reduce the attractiveness of the tobacco product, particularly for younger people, thereby contributing to a reduction in smoking prevalence in New Zealand.

If you do not agree that plain packaging should be introduced, what other options do you think should be adopted to reduce smoking and the harm it causes?

Comment:

4. If New Zealand does go ahead with plain packaging, is there any reason why a significantly different scheme might be necessary or desirable for New Zealand, compared to the scheme that has been introduced in Australia?

Yes _____

No

Not sure _____

Comment:

5. If adopted, do you think plain packaging of tobacco products might have any unintended or undesirable consequences, such as:

- unacceptable implications for consumers (eg, limitations on consumer choice)?
- legal implications (eg, implications for freedom of expression under the Bill of Rights Act)?
- adverse implications for competition or trade?
- unduly adverse impacts on tobacco manufacturers and exporters in developing countries?

Yes _____

No

Not sure _____

Comment:

It may well have some of these consequences, but they would not be undesirable given the negative impact on health the tobacco has. Any negative consequences will be outweighed by the benefits of introducing plain packaging. Furthermore:

- Arguments around 'consumer choice' are soundly negated by the addictive nature of tobacco, which renders choice meaningless. Choice is nonsensical when the produces ingredients are in effect identical – the arguments are no stronger than when purchasing household bleach, where the only difference in effect is in package size, shape, colour and design. The same arguments apply to the funding of medicines by the Government on the NZ Pharmaceutical Schedule, where medicines that have the identical chemical makeup are regarded as identical and the premiums for branding/packaging are a non-essential extravagance that public monies do not need to be spent on (at the price of not funding other medicines). Consumer choice is not an ultimate right that transcends other factors such as public good.
- Implications for freedom of speech under the Bill of Rights Act are relative and cannot be absolute. The overall harm to society from needless premature death and ill-health from tobacco far outweigh any supposed losses to free speech.
- Any supposed adverse effects on competition or trade, if indeed real, need to be placed in context. New Zealand should not accord high priority on competition and trade with respect to tobacco products that have no benefits to society and provide large harms to human health and wellbeing.
- Any supposed adverse effects on tobacco manufacturers and exporters in developing countries would be easily outweighed by the impact of reduced tobacco consumption in those countries on their health and productivity.

6. Are you concerned that a plain-packaging regime might lead to an increase in illicit tobacco trade and related 'black market' or criminal activity? If so, can you provide any evidence to support your concern? For example:

- what difference would plain packaging make to the incentives or opportunity for the supply of counterfeit or contraband (ie, smuggled or non-duty paid) cigarettes?
- do you have any views as to the adequacy of measures contained in the Australian plain-packaging regime to avoid illicit trade?
- do you have any views as to the role the tobacco supply industry itself should play in preventing illicit tobacco trade?

Yes _____

No

Not sure _____

Comment:

The illicit trading in tobacco should be of little concern to most citizens, aside from the effects of second-hand smoke. Counterfeit and contraband tobacco is an irrelevancy to broad public policy.

7. Do you have any comments to make on any aspect of the Regulatory Impact Statement that forms part of this consultation?

Comment:

The NZCPHM agrees that this option is the preferred one.

8. Do you have any other comments on plain packaging of tobacco products that you would like to be taken into account?

Comment:

If there are implications on various trade agreements then those agreements will need renegotiating; the negative impact of tobacco outweighs other considerations.

Specific questions relating to impacts on manufacturers, exporters, importers and retailers of tobacco products

9. What are the likely impacts that plain packaging would have for manufacturers, exporters, importers or retailers of tobacco products?

Comment:

As part of a comprehensive strategy designed to enable the smokefree 2025 goal to be met, it is expected that all of these interest groups would experience a continuing reduction in volume of tobacco traded. This would provide real opportunities to redeploy their resources and intellectual capital into goods and services that benefit society; or at least cause no harm. This would lead to positive follow-on effects for these organisations from improved public perception and may therefore improve market advantage.

10. What would be the impact of plain packaging on the market mix and retail price of tobacco products?

Comment:

We have no concerns about this issue, as profit from tobacco manufacture and trade is a motivation for its ongoing production and use. In a smokefree NZ there would be no such motivation (or harm).

11. What would be the additional costs of manufacturing tobacco packaging, including redesigning packs and retooling printing processes, if plain packaging of tobacco products were introduced?

Comment:

Marginal at best.

12. Would the ongoing cost of manufacturing cigarette packs be lower or higher if plain packaging of tobacco products were introduced compared with the current cost of manufacturing packs, and by how much?

Comment:

We would contend this will be lower, once re-tooling has been completed.

13. How often do manufacturers amend the design of tobacco packaging for brands on the New Zealand market, and what are the costs of doing so?

Comment:

14. Would the ongoing costs of brand marketing increase or decrease over time under plain packaging?

Comment:

Decrease - research, design and marketing costs would be unnecessary

15. To what extent is the design, manufacture and printing of packaging of tobacco products sold in New Zealand undertaken in New Zealand, including work outsourced to external specialist design, packaging and printing firms?

Comment:

16. Would plain packaging of tobacco products result in a discontinuation of importation of tobacco products with small markets, and if so, what financial loss would be incurred by importers of those products?

Comment:

Whatever the costs are they are the same costs all importers will face when NZ becomes smokefree.

17. **Would it take longer for tobacco retailers to serve customers, and if so, why and by how much would this occur?**

Comment:

If anything, the evidence that the NZCPHM is aware of strongly suggests that it will take less time for tobacco retailers to serve customers.

Reference: Carter OBJ, Mills BW, Phan T, Bremner JR. Measuring the effect of cigarette plain packaging on transaction times and selection errors in a simulation experiment. Tobacco Control 2011. doi: 10.1136/tobaccocontrol-2011-050087 ; <http://tobaccocontrol.bmj.com/content/early/2011/09/23/tobaccocontrol-2011-050087>

18. **Would retailers face any other costs or benefits if plain packaging of tobacco products were introduced?**

Comment:

19. **Please outline any other costs or benefits for manufacturers, exporters, importers or retailers that you think need to be taken into account when the Government considers whether to introduce a plain packaging of tobacco products regime.**

Comment:

20. Please outline any ways in which plain packaging might be introduced so as to minimise the costs and/or maximise the benefits of doing so.

Comment:

Introduction should be as quickly and simply as possible, in order to rapidly reap the substantial health gains (and thereby including gains to the NZ economy through averting the loss of working years from smoking-induced premature death) that will happen through reduced tobacco use, particularly in vulnerable populations susceptible to such advertising /packaging for what is an addictive product.