



# Plain packaging of tobacco products: a worldwide movement to address a global challenge

Press kit

First ministerial meeting on plain tobacco packaging

Paris, July 20th, 2015



## Introduction

Tobacco is the only legal drug that kills many of its users when used exactly as intended by manufacturers. The World Health Organization (WHO) has estimated that tobacco use (smoking and smokeless) is currently responsible for the death of about six million people across the world each year with many of these deaths occurring prematurely. Tobacco also causes more than half a trillion dollars of economic damage each year.

Although tobacco use continues to be the leading global cause of preventable death, there are proven, cost-effective means to combat this deadly epidemic.

The World Health Assembly in 2003 unanimously adopted the World Health Organization Framework Convention on Tobacco Control (WHO FCTC). In force since 2005, the main objective of this convention is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure.

There is an international trend towards implementation of plain packaging of tobacco products as part of the global fight against the harmful effects of tobacco. Plain packaging aims to standardize the shape, the size and the colour of tobacco packaging and tobacco products. The objective is to make tobacco products less appealing by limiting the advertising effect of the packaging, increasing the impact of the mandatory health warnings, as well as minimizing the risk that the packaging design gives misleading information about the harmful health effects of tobacco.

This document aims to set the scene of the current international, European and national legal and policy context pertaining to tobacco control measures with an emphasis on plain packaging, in view of the meeting of Health Ministers in Paris on 20 July 2015.

## Worldwide initiatives

### A - The WHO initiative

The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) in force since 2005 was ratified by 180 Parties as of March 2015. It currently covers about 90% of the world's population. It is a legally binding treaty which commits Parties to the Convention to develop and implement a series of evidence-based tobacco control measures to regulate tobacco industry marketing activities and sales reach, reduce the demand for tobacco, and provide agricultural alternatives for those involved in growing and producing tobacco.

In this framework, the WHO introduced a package of six evidence-based tobacco control measures known as the MPOWER package that are proven to reduce tobacco use. MPOWER refers to

M: Monitoring tobacco use and prevention policies;

P: Protecting people from tobacco smoke;

O: Offering help to quit tobacco use;

W: Warning about the dangers of tobacco;

E: Enforcing bans on tobacco advertising, promotion and sponsorship,

R: Raising taxes on tobacco.

The WHO has provided active support to its Member countries to help them implement effective tobacco control measures. It monitors the measures and their effects on populations and produces reports and evidence briefs to help decision-makers to tackle this issue.

Plain packaging is recommended by the guidelines for the implementation of Articles 11 and 13 of the WHO FCTC to eliminate the effects of advertising on packaging.

### B - The European initiative

In the European Union, as in the rest of the world, tobacco consumption is the single largest avoidable health risk and the most significant cause of premature death, responsible for nearly 700,000 deaths every year. Despite considerable progress made in recent years, the number of smokers in the EU is still high - 28% of the overall population and 29% of young Europeans aged 15-24 smoke.

The European Union and its Member States have taken various tobacco control measures in the form of legislation, recommendations and information campaigns. These policy measures include:

- the regulation of tobacco products on the EU market (e.g. packaging, labelling, and ingredients),
- advertising restrictions for tobacco products,
- the creation of smoke-free environments,
- tax measures and activities against illicit trade,
- anti-smoking campaigns.

Particular attention is given to youth smoking, as tobacco is an addictive product and most smokers start smoking before they turn 25.

The Tobacco Products Directive (TPD) (2014/40/EU)<sup>i</sup>, laid down rules governing the manufacture, presentation and sale of tobacco and related products. In particular, the Directive:

- prohibits cigarettes and roll-your-own tobacco with characterising flavours,
- requires the tobacco industry to submit detailed reports to the Member States on the ingredients used in tobacco products, in particular cigarettes and roll-your-own tobacco,
- requires that health warnings appear on packages of tobacco and related products. Combined (picture and text) health warnings must cover 65% of the front and back of cigarette and roll-your-own tobacco packages,
- sets minimum dimensions for warnings and eliminates small packages for certain tobacco products,
- bans all promotional and misleading elements on tobacco products,
- introduces EU-wide tracking and tracing to combat illicit trade of tobacco products,
- allows Member States to prohibit internet sales of tobacco and related products,
- sets out safety and quality requirements for consumer electronic cigarettes,
- obliges manufacturers to notify new tobacco products before placing them on the EU market
- enables member states to *“introduce further requirements, applicable to all products placed on its market, in relation to the standardisation of the packaging of tobacco products, where it is justified on grounds of public health”*.

In 2014 and 2015, Ireland, the United-Kingdom, France and Norway initiated laws to implement plain packaging of tobacco products in their national legislation. These countries notified to the European Commission their text and justified the rationale underpinning the introduction of plain packaging at national level.

## C - National initiatives pertaining to tobacco control and especially packaging measures

### ***Australia***

Australia was the first country to implement tobacco plain packaging. The Tobacco Plain Packaging Act 2011 and the Tobacco Plain Packaging Regulations 2011 set out the requirements for plain packaging. On 8 March 2012, the Tobacco Plain Packaging Regulations 2011 were amended to incorporate additional plain packaging specifications for non-cigarette tobacco products. All tobacco products sold, offered for sale or otherwise

supplied in Australia from 1 December 2012 must be in plain packaging and be labelled with updated and expanded graphic health warnings. Cigarette packs are required to have standardised shapes and openings. Some restrictions also apply to the appearance of tobacco products themselves.

Graphic health warnings on tobacco products were updated and expanded, as a separate measure to tobacco plain packaging, in the Competition and Consumer (Tobacco) Information Standard 2011. The graphic health warnings cover 75% of the front surface of the pack and 90% of the back surface of cigarettes and cartons. Graphic health warnings on most other smoked tobacco products increased to 75% of both the front and back of the pack.

### ***Ireland***

Ireland has become the first country in Europe, and it is second in the World, to pass legislation requiring plain packaging for cigarettes and tobacco products. In November 2013, the Irish Minister for Health published the outline of a Bill to introduce plain packaging in Ireland. After public consultation, the bill passed all stages of the legislative process. The Public Health (Standardised Packaging of Tobacco) Bill was signed into law by President Michael D. Higgins on 10 March 2015. The law states that all tobacco manufactured after 20 May 2016 must be in standardised packaging. All forms of branding, including logos and colours will be banned and all products will have a uniform packaging with pictorial health warnings. The law allows for a one year 'washout' period of old packaging; it will be an offence to sell branded tobacco from 20 May 2017.

### ***United Kingdom***

In November 2010, the UK Government announced it would consider introducing plain packaging for cigarettes and other tobacco products. Following two public consultations, the UK Government drafted regulations and notified the European Union (EU) of its intent to introduce plain packaging on 29th August 2014. The UK produced a detailed and comprehensive impact assessment study in March 2015.<sup>ii</sup> On 11 March 2015, the Members of parliaments voted in favour of plain packaging that will be mandatory as of May 2016.

### ***France***

In September 2014, the French Government presented its National Plan for Smoking Reduction detailing the different measures that will be adopted to fight against tobacco consumption. As part of this national tobacco strategy the Government introduced an article in its Law on modernization of the French Health system pertaining to plain packaging of tobacco products in line with the Irish and British legislations. France notified this piece of legislation to the European Commission on 8 March 2015. On 14 April 2015, the French

National Assembly adopted the draft Law at first reading. The text is to be reviewed by the Senate by July 2015 and will finally be adopted by the National Assembly at second reading in the course of the second semester 2015. Plain packaging should be implemented as of May 2016.

### ***Norway***

Despite significant progress in the area of tobacco control in Norway, smoking continues to be the single largest preventable cause of premature death and poor health. The oral tobacco snus also has harmful effects on health, and its use has increased over the past few years, especially among young people. In March 2015, the Norwegian Government launched a public consultation on a proposal to introduce tobacco plain packaging legislation in Norway. On 18<sup>th</sup> May 2015, Norway notified to the European Commission its intention to introduce plain packaging. In June 2015, Norway organized a European workshop on legal issues relating to the implementation of plain tobacco packaging, allowing participants to discuss Australia's successful implementation of plain packaging and the lessons learned from that experience. Norway currently implements graphic warning labels that cover 48% of the package.

### ***Belgium***

Belgium is implementing the Tobacco Product Directive and has discussed the issue of plain packaging. The Public Health Committee of the Parliament has rejected the implementation of plain packaging but the Minister of Health requested her administration to evaluate the Australian case first prior to engaging in an open discussion on this dossier. The outcome of this evaluation process and discussion will contribute to frame the Belgian position on plain packaging. For now there has been no decision made.

### ***Burkina Faso***

Further to the law on tobacco products adopted in 2011, on 7 April 2015 Burkina Faso issued a decree, which will become effective in April 2016, requiring that pictorial health warnings cover 60% of the principal display areas and implementing plain packaging to tobacco products. The Tobacco Industry has led a very active campaign to slow down the implementation of plain packaging, hence the delay between the Law and the decree.

### ***Canada***

Canada became the first country to implement picture-based health warnings on cigarette packages in June 2001. In September 2011, Health Canada released a full set of 16 new exterior warnings, 8 interior messages, and 4 toxic emission messages for the side panel. The new health warning messages

are required to cover 75% of the front and back of cigarette and little cigar packages.

### ***Chile***

In 2013, Chile enacted a law which implemented a total ban on all forms of tobacco advertising. In addition, a decree was issued, requiring that all tobacco packaging, including smokeless tobacco, must list health warnings on the two main faces of the package and must occupy 50% of each side, designed with either photos or text.

### ***Finland***

In 2014, the Ministry of Social Affairs and Health has presented its action plan - "Roadmap towards a Smoke-Free Finland" - to eliminate the use of tobacco products in the country by the end of the year 2040. The plan includes measures both to prevent people from starting to smoke and to help smokers give up the habit. The plan envisions standardized packaging of tobacco products, regular tax increases, extension of smoke-free policies, along with other efforts. Finland currently implements text warning labels which cover 52% of the package.

### ***Hungary***

Cabinet Minister Janos Lazar announced on 25 June 2015 that Hungary is considering the introduction of uniform packaging for tobacco products. A proposal on the matter is expected to be tabled by Parliament in autumn 2015.

### ***India***

India's health warnings were implemented on all cigarette packages on 31 May 2009. As of April 1, 2015, new warnings will be required to cover 85% of the front and back of the pack, with different warnings for smoked and smokeless tobacco product.

### ***Nepal***

On May 31, 2011, the Government of Nepal passed tobacco packaging regulations, including requirements for health warnings that cover 75% of both the front and back of the package. The warnings were implemented in April 2014, after a legal challenge with the tobacco industry. In October 2014, the government amended the regulations, increasing the coverage area of the warnings to 90%, which will be required on packages by May 15, 2015. It is the most ambitious health warning legislation worldwide.

## ***Pakistan***

The Minister for National Health Services, Regulations and Coordination announced on 11 February 2015 that new pictorial warnings will be required on all tobacco packaging to cover 85% of both sides of cigarette packs, up from the currently applied 40%.

## ***South-Africa***

The Minister of Health announced in July 2014 that South Africa aims at introducing plain packaging of tobacco products by 2015.

## ***Sri Lanka***

Sri Lanka has implemented health warning that cover 80% of the packaging.

## ***Sweden***

In May 2014 the Swedish government appointed a committee with the task to analyze how to implement the Tobacco Products Directive (2014/40/EU) in Sweden. In February 2015 the new coalition Government extended the scope of the committee's investigation to also include an analysis of the possibility to introduce restrictions on smoking of tobacco and tobacco-related products in certain public places and on exposure to tobacco products and also the possibility to implement plain packaging of tobacco products. The final report, that will be presented in September 2015, will form the basis for further policy measures. Since 2011 Sweden has a cohesive strategy for alcohol, narcotic drugs, doping and tobacco policy. The overall objective of the strategy is a society free from illicit drugs and doping, with reduced alcohol-related medical and social harm, and reduced tobacco use. The objective reflects the Government's determination to tackle all problems caused by the use and abuse of alcohol, drugs, tobacco and doping for the individual and for society at large. It is based on a vision of a society where all may grow up and live without risking harm through their own use or through such use by others. Since 2015 is the last year of the current strategy the Government is preparing a revised strategy for the following five years on the basis of experiences from the current strategy period.

## ***Thailand***

On 8 March 2013, Thailand's Minister of Health signed new regulations that require graphic health warnings to cover at least 85% of both sides of cigarette packages, up from 55%. The new regulations came into effect on 2 October 2013.



## ***Togo***

Togo currently implements text warnings covering 65% of the package.

## ***Turkey***

In December 2009, Turkey finalized legislation that will require all cigarette packs to carry a pictorial health warning by July 2010. Health warnings are required to cover 54% of overall package space. The percentage of graphic health warnings on tobacco and water pipe packing has increased from 30% to 65%.

## ***Uruguay***

Uruguay first implemented their pictorial health warnings policy in 2005 and has since updated warning labels regularly. Originally, the health warnings were required to cover 50% of the front and 50% of the back of all cigarette packages. Beginning March 1, 2010, all health warnings were required to cover 80% of the front and 80% of the back of all cigarette packages making at that time Uruguay the first country in the world to require 80% of the package to be used for health warnings.

## ***New Zealand***

New Zealand currently requires that health warnings cover 30% of the front of the package and 90% of the back, thereby meeting the minimum requirements of Article 11 of the FCTC. In March 2011, New Zealand became the first country in the world to adopt a goal of being smoke free by 2025. As part of a comprehensive package of measures to achieve this goal, New Zealand started the process to introduce plain packaging in April 2012. The legislation was introduced to the New Zealand Parliament in December 2013 and is awaiting its second reading. To date the policy and legislation development is progressing within standard timeframes. The New Zealand Government is following the current proceedings against Australia before the Dispute Settlement Body of the WTO closely. New Zealand is participating in the proceedings as a third party and supports Australia's position. New Zealand is of the view that tobacco plain packaging can be implemented in a manner that is consistent with its international trade obligations.

## **References**

---

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

<sup>ii</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/170569/dh\\_133576.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170569/dh_133576.pdf)