

### Key Public Messages

1. Plain packaging is an evidence based measure that can save lives and protect public health by:
  1. reducing the attractiveness of tobacco products;
  2. restricting use of tobacco packaging as a form of tobacco advertising and promotion;
  3. limiting misleading packaging and labelling; and
  4. increasing the effectiveness of health warnings.
2. Globalization of plain packaging is underway as governments around the world seek to embrace this measure.
3. Plain packaging is part of a comprehensive approach to tobacco control that includes comprehensive bans on tobacco advertising, promotion and sponsorship and other packaging and labelling measures, such as large graphic health warnings.
4. Tobacco companies have fought plain packaging with a massive misinformation campaign since as far back as 1993.
  1. Internal industry documents show a coordinated industry response designed to resist plain packaging for fear that it will reduce demand.
  2. Today, the industry makes baseless claims that plain packaging is not effective, will increase illicit trade, push prices down and hurt retailers. These claims are not supported by the evidence.
5. Tobacco control is an essential part of sustainable development.
  1. The Sustainable Development Goals call for accelerated implementation of the WHO FCTC.
  2. Tobacco use has negative implications for economic development as it diverts household expenditure from food, health-care and education.
  3. Tobacco use also results in substantial economic costs in terms of health expenditure and lost productivity.
  4. The economic impacts of tobacco use are most acute in developing countries.
  5. Increasing taxes on tobacco has been identified as a source for domestic public financing of SDG goals.

## Frequently asked questions

1. What is plain packaging?
2. What is standardized packaging?
3. Is plain packaging the same as large graphic health warnings?
4. What are the goals of plain packaging?
5. Is plain packaging included in the WHO Framework Convention on Tobacco Control?
6. Where has plain packaging been implemented?
7. Which countries is plain packaging good for? / Is plain packaging only for developed countries?
8. Which products should plain packaging be applied to?
9. Is there evidence that plain packaging works?
10. How were the Guidelines to Articles 11 and 13 of the WHO FCTC developed?
11. What other consumer goods is plain packaging appropriate for? / Doesn't plain packaging for tobacco create a "slippery slope" for other products?
12. Doesn't plain packaging violate international and domestic laws?
13. Won't plain packaging increase illicit trade in tobacco products?
14. Won't plain packaging hurt retailers?
15. Won't plain packaging lead to increased competition and reduced prices?

## **1. What is plain packaging?**

The Guidelines for Implementation of Article 11 (Packaging and labelling of tobacco products) of the WHO Framework Convention on Tobacco Control (WHO FCTC) define plain packaging as “measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style (plain packaging)”.

The Guidelines for Implementation of Article 13 (Tobacco advertising, promotion and sponsorship) describe plain packaging in the following terms “

- black and white or two other contrasting colours, as prescribed by national authorities;
- nothing other than a brand name, a product name and/or manufacturer’s name, contact details and the quantity of product in the packaging, without any logos or other features apart from health warnings, tax stamps and other government-mandated information or markings;
- prescribed font style and size; and
- standardized shape, size and materials.
- There should be no advertising or promotion inside or attached to the package or on individual cigarettes or other tobacco products.”

## **2. What is standardized packaging?**

The phrase ‘standardized packaging’ is used interchangeably with ‘plain packaging’. Some prefer the phrase standardized packaging on the basis that plain packaging, when used in conjunction with large graphic health warnings, is not actually plain.

WHO uses the phrase plain packaging because that is the language used in Guidelines to Articles 11 and 13 of the WHO FCTC.

## **3. Is plain packaging the same as large graphic health warnings?**

No. Large graphic health warnings are a separate policy that may be implemented alongside plain packaging. The purpose of large graphic health warnings is to warn consumers of the risks associated with tobacco use.

## **4. What are the goals of plain packaging?**

Plain packaging is a demand reduction measure that serves several purposes, including:

1. reducing the attractiveness of tobacco products;
2. eliminating the effects of tobacco packaging as a form of advertising and promotion;
3. addressing package design techniques that may suggest that some products are less harmful than others; and
4. increasing the noticeability and effectiveness of health warnings.

Because plain packaging builds upon other tobacco control measures, it is recommended that plain packaging be used as part of a comprehensive multisectoral approach to tobacco control.

## **5. Is plain packaging included in the WHO Framework Convention on Tobacco Control?**

Yes. Guidelines for Implementation of Articles 11 and 13 of the WHO FCTC recommend that Parties consider adoption of plain packaging.

These Guidelines need to be viewed in their broader context. The WHO FCTC obliges Parties to implement “effective measures” to ensure that:

- tobacco packaging and labelling do not promote tobacco products by means that are false, misleading or deceptive (Article 11.1(a)); and
- packaging carries health warnings describing the harmful effects of tobacco use (Article 11.1(b)).

Article 13 also obliges Parties to undertake a comprehensive ban (or restrictions) on tobacco advertising, promotion and sponsorship.

## **6. Where has plain packaging been implemented?**

Australia became the first country to fully implement plain packaging in December 2012.

Ireland, France and the United Kingdom have passed laws to begin implementing plain packaging from May 2016. (Sell through periods mean that packs will not appear in stores immediately and, in the case of Ireland, implementation may be delayed.)

## **7. Which countries is plain packaging good for? / Is plain packaging only for developed countries?**

WHO recommends that plain packaging be implemented as part of a comprehensive approach to tobacco control. This includes comprehensive bans on tobacco advertising, promotion and sponsorship as well as other tobacco packaging and labelling measures, such as health warnings.

Plain packaging is a suitable policy for any country implementing a comprehensive approach to tobacco control. Developed countries have taken the lead in designing and implementing plain packaging measures and other countries, including developing countries, will benefit from their experience.

## **8. Which products should plain packaging be applied to?**

The best practice is to apply plain packaging to all categories of tobacco products. The Article 11 and 13 Guidelines make no distinction between tobacco product categories.

## **9. Is there evidence that plain packaging works?**

Yes. A strong evidence base supports implementation of plain packaging. This evidence base includes a large body of peer reviewed studies that have been the subject of three systematic reviews (two in the United Kingdom and one in Ireland). This evidence supports the conclusion that plain packaging:

- reduces the attractiveness of tobacco products;
- restricts use of the pack as a form of advertising and promotion;

- limits misleading packaging; and
- increases the effectiveness of health warnings.

It is too early to measure the full impact of plain packaging in Australia, and it is often difficult to isolate the impact of individual measures. Nonetheless, the evidence from Australia is consistent with the conclusion that plain packaging is working.

Studies have shown increased urgency among smokers to quit,<sup>i</sup> increased calls to the Quitline<sup>ii</sup> and increased quit attempts.<sup>iii</sup> Fewer consumers (wrongly) believe that brands differ in harmfulness and there are indicators that health warnings have become more effective among smokers.<sup>iv</sup>

Australia's post-implementation review found that introduction of plain packaging together with introduction of larger health warnings and new warnings had reduced smoking prevalence in Australia beyond the pre-existing downward trend. Specifically, the report estimated that between December 2012 and September 2015 "the 2012 packaging changes reduced average smoking prevalence among Australians aged 14 years and over by 0.55 percentage points".<sup>v</sup> According to the model, if these changes to packaging had not been introduced average smoking prevalence in the post-implementation period would have been 17.77% rather than 17.21%. This effect on smoking prevalence is expected to grow over time.

#### **10. How were the Guidelines to Articles 11 and 13 of the WHO FCTC developed?**

The Article 11 and 13 Guidelines were developed by Parties to the WHO FCTC and adopted by consensus of the Conference of the Parties. This was a government led process and all Parties to the Convention had the opportunity to participate fully in the process. The Guidelines are based on available scientific evidence.

#### **11. What other consumer goods is plain packaging appropriate for? / Doesn't plain packaging for tobacco create a "slippery slope" for other products?**

WHO is not recommending adoption of plain packaging for products other than tobacco products. Tobacco products are uniquely harmful and there is a body of evidence showing that plain packaging of tobacco products is an effective public health intervention.

#### **12. Doesn't plain packaging violate international and domestic laws?**

There is nothing inherently unlawful about plain packaging. Laws differ from country to country, making it difficult to generalize, but:

- Plain packaging is an evidence-based policy that contributes to protection of public health.
- Domestic and international laws provide scope for governments to protect public health.
- WHO is encouraged by the fact that Australia has prevailed in litigation against it under domestic law and under an investment treaty.
- WHO cannot comment on ongoing litigation, but WHO is watching closely the World Trade Organization (WTO) dispute concerning plain packaging, as well as other litigation.

### **13. Won't plain packaging increase illicit trade in tobacco products?**

There is no rational basis on which to predict that plain packaging will increase illicit trade. Tobacco company arguments that tobacco control measures will increase illicit trade seek to:

- discourage legitimate regulation; and
- prepare the ground to dispute the effectiveness of tobacco control measures where sales decline after implementation.

Governments introducing plain packaging:

- continue to permit tobacco companies to use anti-counterfeiting devices on product packaging;
- may use a range of enforcement responses to address any concerns about illicit trade; and
- are encouraged to ratify the WHO FCTC Protocol to Eliminate Illicit Trade in Tobacco Products.

### **14. Won't plain packaging hurt retailers?**

Plain packaging should not have a disproportionate or sudden impact on retailers.

- In Australia, retailers have quickly gained experience with plain packaging and their processing times (to process customer requests for a product) quickly returned back to normal levels.
- The effects of plain packaging on retail sales are unlikely to be sudden or dramatic.
  - Experience in the context of tobacco taxes shows that money not spent on tobacco products may be spent on other consumer goods.
  - Plain packaging is an incremental step used as part of a comprehensive approach to tobacco control. The effects of plain packaging will increase over time.
  - In many countries, strong population growth means that total tobacco consumption continues to grow even though the prevalence of tobacco use may decline.

### **15. Won't plain packaging lead to increased competition and reduced prices?**

Governments can exercise significant control over the affordability of tobacco products, such as through the use of tax and price measures. Any government concerned about affordability increasing with plain packaging should consider increasing taxes.

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<sup>i</sup> Wakefield MA, Hayes L, Durkin S, Borland R. Introduction effects of the Australian plain packaging policy on adult smokers: a cross-sectional study. *BMJ Open*, 2013; 3: e003175.

<sup>ii</sup> Young JM, Stacey I, Dobbins TA, Dunlop S, Dessaix AL, Currow DC. Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis. *MJA*, 2014; 200:29–32.

<sup>iii</sup> Durkin S, Brennan E, Coomber K, Zacher M, Scollo M, Wakefield M. Short-term changes in quitting-related cognitions and behaviours after the implementation of plain packaging with larger health warnings: findings from a national cohort study with Australian adult smokers. *Tobacco Control*, 2015; 24:ii26 – ii32.

<sup>iv</sup> Wakefield M, Coomber K, Zacher M, Durkin S, Brennan E, Scollo M. Australian adult smokers' responses to plain packaging with larger graphic health warnings 1 year after implementation: results from a national cross-sectional tracking survey. *Tobacco Control* 2015; 24:ii17–ii25, p. 21.

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<sup>v</sup> Post-Implementation Review Tobacco Plain Packaging, 2016, Australian Government, Department of Health, 26 February 2016, <https://ris.govspace.gov.au/files/2016/02/Tobacco-Plain-Packaging-PIR.pdf>, paragraph 107.