



SUBMISSION IN RESPECT OF THE PUBLIC HEALTH (STANDARDISED PACKAGING OF TOBACCO) BILL 2013

1.0 INTRODUCTION

- 1.1 This submission is made on behalf of Forest Éireann. Launched in August 2010, we represents the views of consumers who are aware of the health risks but nevertheless choose to smoke tobacco.
- 1.2 Forest Éireann is supported by Forest (Freedom Organisation for the Right to Enjoy Smoking Tobacco), a UK-based group founded in 1979. Forest is supported by British American Tobacco, Imperial Tobacco Limited and Gallaher Limited (part of the Japan International Group of Companies).
- 1.3 We accept that government and other agencies have a role to play educating people about the risks of smoking tobacco, just as they should educate people about the risks of drinking too much alcohol, eating too many fatty foods and dairy products, not taking enough exercise and so on.
- 1.4 Likewise we accept the need for some restrictions on smoking in public places, and the need for smokers to act responsibly on matters such as litter and smoking around young children in a small confined space.
- 1.5 What we do not accept is excessive regulation designed to denormalise a legal product and, by extension, the law-abiding consumers of that product who contribute large sums of money to the Exchequer in tobacco taxation and have a right to be treated with respect, not stigmatised for their habit.
- 1.6 Tobacco is a legal product and our role is to protect the interests of adults who choose to smoke tobacco and wish to do so without being subjected to harassment, discrimination and excessive regulation.

2.0 EXECUTIVE SUMMARY

- 2.1 The argument in favour of standardised packaging is based on the fallacy that children are encouraged to smoke through exposure to so-called “glitzy” or “colourful” packaging and that without branding far fewer children or young people would be tempted to start.
- 2.2 This central argument is in conflict with the most robust data on youth smoking that indicates that becoming a smoker is associated not with packaging but with socio-economic factors such as education, family structure (living with a lone parent), social mobility (educational aspirations), sibling and peer smoking activity, as well as rebelliousness and risk taking.
- 2.3 There is no robust evidence that standardised packaging will have any effect on youth smoking rates. To date only one country – Australia – has implemented plain packaging and it is acknowledged even by Australian authorities that it is far too soon to judge the success or failure of the policy. In the meantime all claims about the positive impact of standardised packaging on youth smoking rates are based not on fact but on speculation and conjecture.
- 2.4 Most tobacco control studies fail to consider any of the unintended consequences of plain packaging. There is a wide body of expert international opinion that believes that counterfeiting could have a serious impact on public health, business and the Exchequer. Both serving and retired law enforcement officers have declared that plain packaging will make counterfeiting easier and more profitable for organised crime.
- 2.5 Illicit trade is a huge problem in Ireland. Standardising packaging could put children at greater risk not less. Criminals who operate in back streets, outside schools and at car boot sales don't care to whom they sell to. Government must address the very real concerns that many people have about the impact of counterfeiting before proceeding with standardised packaging. Failure to do so could have serious consequences for children and for adult consumers, especially those tempted to purchase counterfeit goods.
- 2.6 Legitimate adult consumers will also lose out because branding helps the consumer to understand differences between products, distinguish between products almost instantly, and to buy with total confidence. John Noble, director of the British Brands Group, says: “Branding fulfills many significant and positive functions for both consumers and markets. Take it away and consumers lose out and markets become commoditised, with price rather than quality being the influencing factor.”
- 2.7 If government wants to protect children from smoking it should seek tougher enforcement of existing laws. It is already illegal to sell tobacco to under 18s, proxy purchasing has been outlawed, and in 2011 tobacco vending machines were banned, allegedly to prevent youth access.

- 2.8 Plain packaging has nothing to do with health and everything to do with the 'denormalisation' of a legal product and the one million adults in Ireland who continue to smoke tobacco despite fierce opposition from anti-tobacco campaigners and politicians. The dull, grotesque packaging envisaged by campaigners is a form of state-sponsored bullying designed to stigmatise the consumers of a legal product and denormalise their habit.
- 2.9 Ireland, like many other countries, continues to face a precarious financial situation. A global recession has resulted in a sharp drop in international trade, rising unemployment and slumping commodity prices. As a result many people are suffering profound hardship. Despite this the tobacco control industry wants government to devote precious parliamentary time introducing legislation for a policy for which there is no credible evidence that it will work.
- 2.10 A unilateral policy on plain packaging of cigarettes in Ireland could see young people's attitudes shift to preferring non-Irish 'branded' packs. By necessity young people would need to source branded packs from the black or grey market. Dealers in smuggled cigarettes will not be asking for ID when they sell their products and consumers will find it difficult to tell genuine Spanish branded cigarettes from fake branded Spanish cigarettes.
- 2.11 Actions have consequences and in a liberal society citizens should be encouraged to take responsibility for their own lifestyles. We don't need politicians hectoring consumers every time they do something legal the state disapproves of. Yet that is what excessive health warnings and disturbing graphic images on cigarette packs will do.
- 2.12 Research that relies on what people say in the expectation they will then do it is unreliable. In 2007, the BBC ran a poll asking: "Will graphic images on tobacco products stop you smoking?" 36.3% of the 12,500 respondents said 'yes'. When the policy was later introduced it had no observable effect on the smoking rate. Graphic images did not encourage people to give up smoking, so why would standardised packaging?
- 2.13 According to a recent poll by Red C for Forest Éireann, just nine per cent of people surveyed think standardised packaging is the policy most likely to reduce youth smoking rates in Ireland. In contrast more than half the population thinks health education in schools would be most effective in reducing smoking rates.
- 2.14 The current Minister for Health has made plain packaging of tobacco a personal mission but according to the same poll only a very small minority think it is the best way to stop children smoking. Even fewer want it to be his number one priority in 2014.
- 2.15 Evidence from Australia and internationally shows that although public health campaigners will deny standardised packaging will be used on other products, no sooner has the legislation been applied to tobacco than calls begin for plain packaging to be extended to products such as alcohol and foods.

2.16 Recommendations – see Section 3 below.

3.0 RECOMMENDATIONS SUMMARY

3.1 Government should assess the impact of plain packaging on smoking rates and illicit trade in Australia before introducing similar legislation in Ireland.

3.2 If government wants to protect children from smoking it should seek tougher enforcement of existing laws.

3.3 Forest Eireann recommends that the proposal to introduce legislation for standardised packaging of tobacco should be rejected.

4.0 RESPONSE TO HEAD 3: PURPOSE OF LEGISLATION

4.1 The purpose of the Public Health (Standardised Packaging of Tobacco) Bill 2013 is to reduce smoking rates in Ireland and stop people – children in particular – from smoking. In this section we explain why we believe the the legislation is dangerously flawed and unlikely to achieve the outcome desired.

4.2 We do not want children to smoke. Smoking should be a choice for informed adults only and we support all reasonable measures that prevent or discourage children from purchasing or consuming tobacco. The proposal to introduce standardised packaging of tobacco is neither reasonable nor justified. There is no credible evidence to suggest it will work. Worse, there could be unintended consequences that could cause greater risk of harm.

4.3 The stated aim of the proposed new legislation on plain packaging is to reduce the smoking rates in Ireland. It is suggested that ugly packaging will repulse the buyer at point-of-sale and this forms the justification for the initiative. Our submission argues that this thinking is flawed and will not achieve its objectives. In fact, it will create further costly problems in the future.

4.4 We acknowledge the risks associated with smoking and neither Forest Eireann nor its supporters promote the habit of smoking as a lifestyle choice. Nor do we promote any tobacco brand or type of tobacco product. Instead we support sensible and positive initiatives that assist those wishing to quit smoking and have always suggested that education as to the dangers involved should be more widespread, particularly in schools.

4.5 We object strongly, however, to terms such as the ‘war on smoking’ because, by definition, it’s a war on the consumer – ordinary, law-abiding people. The policy of denormalisation is especially insidious and verges on an incitement to hatred.

4.6 Plain packaging, which will include gruesome photographs of diseased human parts, has been tried in only one other country. After twelve months in place, the Association of Retailers of Australia has reported that volumes of tobacco

purchases has not changed and indeed in some areas, it has actually risen. As such, there is still no hard evidence that plain packaging will have any impact on the buying public.

- 4.7 In attempting to understand why this has happened, it is important to note that:
- (a) The purpose for buying a tobacco product is for the consumption of the product itself, not the packaging it comes in;
 - (b) As with many messages we receive today, objectionable packaging can be mentally filtered out of our conscious minds if we simply do not want to see it;
 - (c) There are many commercial alternative tobacco cases that can now be bought cheaply online and are in fact more attractive than cigarette packaging. It is a simple matter to place the offensive cigarette box inside one of these;
 - (d) Currently at point-of-sale in Ireland, all tobacco products must be hidden. This means that tobacco is bought sight unseen, rendering the plain packs immaterial;
 - (e) Illegally smuggled tobacco packs may not be in plain packaging and they are freely available in every corner of the country at half the price;
 - (f) Because of the design simplicity of the proposed plain packaging, it will make counterfeiting far easier for the criminal gangs if they so choose;
 - (g) The proposed initiative on plain packaging for legal commercial products on the basis of health sets a firm legal precedent for much else of what we consume. Justifiable pressure could come to bear for similar measures on many foods and on alcohol to make them similarly unattractive for consumers. Plain packaging could become a slippery slope where wine, for example, must be packed in plain cheap plastic containers with images of diseased livers taking up 60% of the surface;
 - (h) If plain packs are considered undesirable for any Irish consumer then there is always the alternative of purchasing tobacco cheaper in the existing packets in any EU Country and bringing them back here *legally*;
 - (i) Finally, smokers have been under attack for nearly ten years now with no discernable affect on the numbers smoking. Millions of cigarettes are still bought and consumed daily in Ireland despite laws, restrictions, denormalisation, inappropriate fines and high pricing. It would take a giant leap of faith to believe that plain packaging would prove decisive at this point.
- 4.8 The government wants to help people make healthy choices. To do this we need to understand whether there is evidence to demonstrate that the plain packaging of tobacco products would have an additional health benefit over and above existing tobacco control initiatives. It is against this stated ambition that we make the following remarks.
- 4.9 The current research in favour of standardized packaging remains speculative, relying on asking people what they *might* do in a certain situation. It has fundamentally failed to supply any additional research evidence that answers

the question whether standardised (plain) packaging would have “an additional health benefit over and above existing tobacco control initiatives”. Without a definitive answer to that question, no changes to current tobacco packaging should be contemplated.

- 4.10 It is inconceivable that government can conclude that it has sufficient reliable research evidence to be able to judge the impact of a standardised packaging policy, let alone judge the additional benefit such a policy may deliver over and above existing tobacco control measures given the reported experience in Australia so far.
- 4.11 There is no reliable data to suggest that becoming a smoker is statistically associated with being aware of tobacco advertising or particular brands of tobacco or views of youths about the packaging when shown them in research studies of advertiser produced campaign films.
- 4.12 The current trend to attack tobacco advertising, packaging and promotion to address youth smoking rates is misplaced. It has diverted much needed resources and effort away from addressing the real factors that cause people to start smoking towards trivial headline grabbing campaign policies such as standardised packaging.
- 4.13 The most robust data on youth smoking rates indicate that becoming a smoker is statistically correlated with socio-economic factors, education, family structure (living with a lone parent), social mobility (educational aspirations), sibling and peer smoking activity, as well as rebelliousness and risk taking.
- 4.14 The EU Special Eurobarometer 385 ‘Attitudes of Europeans Towards Tobacco’ published May 2012 indicated that less than 1% of UK respondents cited packaging as a reason for starting smoking. Friends or family were listed as the overwhelmingly most important factors in starting smoking, according to respondents.

‘Among the following what were the most significant elements that made you start smoking?’

Your friends smoked	77%
Your parents smoked	24%
You liked the taste or smell of tobacco	8%
Cigarettes were affordable	12%
You liked the packaging of the cigarettes	1%
You liked menthol cigarettes	4%
You liked cigarettes with a specific sweet or fruity or spicy flavour	1%
Other (spontaneous)	10%
None	4%
Don't Know	2%

Source: Special Eurobarometer 385 'Attitudes of Europeans Towards Tobacco' published May 2012 page 70

4.15 All of the above points to government being most successful in reducing youth uptake of smoking through help and information to parents (specifically the important role they play in the actions of their children) and youths themselves. Wider government activity to address underlying education and socio economic factors would appear to be impactful on youth smoking rates but have not been expanded upon in our response here. This, however, is where government should focus its priorities.

4.16 The most worrying of these is the boost plain packaging would bring to the illicit market. Counterfeiting is now recognised as a serious issue for tobacco worldwide with strong links to organised crime. In an article for the Daily Mail headlined 'Plans for plain packaging of cigarettes are a charter for organised crime and a danger to our children' (June 2012), former Assistant Chief Constable of Northern Ireland, Paul Sheridan, said:

"Put simply, my fear is that introducing plain packaging for cigarettes will make life easier for criminals, while those policing our streets will have a much tougher time: instead of having 200 different designs of packs to copy there would be just one".

"The fact is, banning cigarette logos might actually make things worse. Plain packets could be a smugglers' charter. I've spent most of my working life as a senior police officer in Northern Ireland, where organised crime gangs and terrorist organisations have turned smuggling knock-off fags, jewellery and clothing into a multi-million pound black market business, alongside their prostitution rings and drug running operations".

"Many people have said smokers are naturally drawn to branded cigarettes, which is why logos should be banned. But plain packaging will create a bizarre situation - where branded cigarettes are the tobacco products of choice on the black market. If we hand the control of branded goods to criminal gangs, we could actually be aiding them in their illegal trade."

"We mustn't rush into introducing plain packaging. This well-meaning proposal, intended to make more of our young people safe and healthy, will actually make it easier for criminals to threaten the well-being of those closest to us."

Source: Daily Mail (June 2012)

<http://www.dailymail.co.uk/debate/article-2163227/Plans-plain-packaging-cigarettes-charter-organised-crime-danger-children.html>

4.17 Just a few days later a letter was published in The [London] Times signed by 24 former and serving senior police officers stated:

“We do not wish to get involved in the public health debate. However, our concern is very much on the impact that it could have on crime and in particular on serious organised criminals who are the target of major law enforcement agencies.

“The introduction of standardised packaging would make it even easier for criminals to copy and sell these products to the unsuspecting public, including children.”

Source: The Times, Letters to the Editor, 26 June 2012

We believe government should listen seriously to those with long experience in fighting crime, especially organised crime.

4.18 Concerns regarding counterfeiting are not limited to those who have expertise in crime fighting. Experts in IP protection, branding and packaging have likewise stated that standardised packaging will aid counterfeiters. Payne Security, one of the world's leading companies in the field of brand protection, document security and card solutions, has issued a strong statement concerning the likelihood of increased counterfeiting if plain packaging is introduced:

“Advocates of plain packaging feel it may help to discourage smoking. But there are deep concerns as to how this could instead encourage an even greater influx of illicit tobacco products, with far increased health risks, as well as loss of revenue to the government, as smokers turn to the black market and unregulated counterfeit products.”

“Without the need or effort required to copy genuine packaging, counterfeit tobacco would become much more difficult for the user to detect. Plain packaging would make counterfeiting easier and cheaper and detection more onerous and expensive”

“The packaging and printing industries have done much development work to create effective anti-counterfeit and track & trace systems in order to deal with the problem of counterfeiting. Many of the most effective systems include both overt and covert methods and many are incorporated into existing pack designs. The concern therefore would be that a plain pack would severely limit the scope for many of these technologies and features.”

Source: Payne Security

<http://www.payne-security.com/home/news-and-events/2012-press-releases/plain-packaging-.htm>

4.19 In an interview with Angela Harbutt of Forest's Hands Off Our Packs campaign, John Noble from British Brands Group said:

“Plain packaging will certainly encourage counterfeiting. Firstly, the fewer designs means that it will be much easier for counterfeiters to produce fakes. More significantly, perhaps, consumers will find it much harder to distinguish between a genuine and a fake product. Fakes undermine Governments’

tobacco policies not just because of the lack of quality control but because they tend to circumvent the legitimate supply chain, allowing children much easier access to age-regulated tobacco products.”

Source: Hands Off Our Packs

<http://www.handsoffourpacks.com/blog/john-noble-beware-full-implications-of-plain-packaging/>

4.20 A group of packaging companies, including Chesapeake, API Foils, Parkside Flexibles, Weidenhammer and Payne, have come together to oppose plain packaging because of their concerns about the proposal. This group with technical expertise in the manufacture of packaging believe that standardised packaging will make counterfeiting easier. Mike Ridgway, spokesman for the group, said:

“Counterfeit and contraband products are already a major problem wherever brands are highly valued or market prices are inflated by high taxation. It is obvious that plain packaging would be easier to copy and consumers would become less interested in whether goods are genuine or not. This would not only erode volumes for bona fide producers and retailers but would also reduce government tax revenues, boost the criminal economy and present an increased health risk from consumption of fake product.”

Source: Print Business Magazine, June 2012

<http://www.printbusinessmagazine.co.uk/news/PrintBusiness85036.ink>

4.21 A report, ‘Plain packaging and the illicit trade in the UK’, produced by Transcrime, the Joint Research Centre on Transnational Crime based in Milan, has warned of the likelihood of increased counterfeiting should standardised packaging be introduced. Professor Ernesto Savona, Professor of Criminology and author of the report said:

“Despite acknowledgement of the importance of the trade of illicit tobacco in the UK, the policy documents prepared for the public consultation have not considered the impacts on illicit trade.

“This is remarkable as plain packaging may produce a variety of effects which ultimately undermine its main purpose, to reduce smoking initiation and prevalence.

“Our analysis shows that by making all tobacco packs look almost identical, we’re likely to see a sharp increase in counterfeiting, primarily because counterfeiters will see that consumers are no longer able to distinguish between legitimate products and fake ones.

Source: NFRN Online

<https://www.nfrnonline.com/News/Crime-Surge-from-Plain-Packs-of-Cigarettes-Ignored-by-Ministers>

- 4.22 Writing in European Voice Andreas Blaschke, President, European Carton Makers Association, declared:

“While health campaigners often make this argument, the statement is incorrect and its implications misleading. Pictorial health warnings pose no real barrier to counterfeiters: they can be produced (and reproduced) using low-cost printing techniques from equipment readily available in the market and four basic print colours. As such, they are not comparable to branding in their complexity.”

“A modern cigarette pack is a sophisticated product with multiple brand features that forces counterfeiters to overcome costly barriers in order to produce convincing copies. The printing techniques for the branding on the packs employ enhanced design features, such as embossing, debossing, hot-foil stamping and UV Varnish, amongst others, and typically use between eight and ten unique colours from state-of-the-art printing equipment. Moreover, each colour comes from special ink sourced from a limited, traceable supply chain.”

“It is, therefore, the branding on a cigarette pack that counterfeiters find difficult to replicate and that allows retailers and the public to differentiate between real and counterfeit products.”

Source: European Voice, May 2012

<http://www.europeanvoice.com/article/imported/plain-packaging-for-cigarettes-will-ease-counterfeiting/74307.aspx>

- 4.23 According to Ruth Orchard, director general of the Anti-Counterfeiting Group (representing nearly 200 organisations globally):

“Plain packaging represents an invitation to counterfeiting. If put into practice for the tobacco industry, this could impact on all sectors where counterfeiting is rife. It creates a trading environment where packaging is no longer distinctive and products become easy to replicate illegally.”

Source: Hands Off Our Packs

<http://www.handsoffourpacks.com/issues/tackle-illicit-trade-not-legitimate-businesses/>

- 4.24 Counterfeit cigarettes are not only much cheaper (enabling people to smoke more), and are sold to anyone (including children), but they also contain many times the number of toxins of genuine cigarettes. The BBC’s Panorama programme called cigarette counterfeiting “a health time bomb” (<http://www.bbc.co.uk/programmes/b00zftc4>). Government must address the very real concerns regarding counterfeiting before proceeding, on health grounds alone. Meanwhile increase in illicit trade will not only harm business, especially small business, but deprive the country of much needed taxes.
- 4.25 As anyone who has worked in or studied marketing will know, where there is a lack of meaningful differentiation between products in any market, commoditisation occurs. Commoditised products have thin margins and are

sold on the basis of price and not brand. This is true for all markets, including cigarettes.

4.26 By removing the ability of tobacco companies to differentiate between their own brands, or those of their competitors, it is logical to expect that price will become the major point of competition. This will have a down pressure on price, making cigarettes cheaper.

4.27 As one of the major reasons for consumers limiting their cigarette consumption is price, it seems inevitable that cheaper cigarettes will result in an increase in the number of cigarettes sold. Health campaigners have argued that this is a threat from tobacco companies. This is not so – it is simply an acknowledgement of their argument that if higher prices reduce consumption, lower black market prices will increase consumption.

4.28 John Noble, director of British Brands Group, has warned that removal of branding is a complex matter with many potential undesirable effects on the market, including counterfeiting and price commoditisation:

"Just focusing on the connection between branding and smoking behaviour may be a distorted way of looking at the way of branding.

"Branding on pack is about differentiating product and competition on the basis of quality, reputation and price but if all the packs look the same you move very quickly towards a generic commoditised market place and that is typified by price competition.

"It means there is a loss of incentive for companies to invest in quality and reputations because they have no way to communicate that to consumers. While I'm sure the familiar brands will continue, if you were to launch a new product into the market it can only be a price fighting product and if that is a means of reducing prices to consumers then actually it may result in more people smoking rather than less because it becomes a very price sensitive market.

"We don't try to tell Government how to regulate tobacco - what we are saying is if Governments wish to remove branding from packaging please be very aware of what you are doing and the likely implications. This is not a simplistic move and likely to have a complex effects on consumer behaviour and on markets."

Source: Marketing Magazine

<http://www.marketingmagazine.co.uk/bulletin/dailynews/article/1126883/?DCMP=E MC-BreakingnewsfromMarketing>

4.29 When price commoditisation occurs, cigarettes will fall in price. This will make cigarettes cheaper, bringing them into the price range of young people and quitters who have stopped smoking for economic reasons and allow current smokers to consume more for the same cost. Government may seek to address this through further increases in duty. This will however only fuel the demand

for black market products and make the supply of illegal cigarettes even more profitable. However one looks at this issue, the black market will be the winner and public health will be the loser.

4.30 The principal argument in favour of standardised packaging appears to be based on the claim that children (and even some adults) are "attracted" to the "glitzy" and "colourful" packaging and without branding far fewer children or young people would be tempted to start smoking. As we have noted, however, there is no evidence that packaging or branding are linked to the take up of smoking and no evidence that standardised packaging will reduce smoking rates or stop the uptake of smoking amongst children.

4.31 Drab hideous cigarette packs are tantamount to state-sponsored bullying. This is both discriminatory and unproductive. Allen Carr's 'Easyway' has sold over 10,000,000 stop smoking books. They have been published in 57 countries and translated into 38 languages. John Dicey, Worldwide Director, Allen Carr's Easyway, said:

"Smokers appear to be subjected to endless bullying in a variety of different ways. Often the nagging and bullying is based on the mistaken belief that you can hassle a smoker to give up smoking. If quitting smoking was based on the success of the smoker being nagged I'm pretty sure smoking rates would be a fraction of their current scale (and I would have quit smoking years before I eventually did)."

Government should providing the best possible education and information available, not look for further ways to bully or hector smokers.

4.32 To suggest that standardised packaging will increase the awareness of health warnings is a triumph of hope over experience. The introduction of increasingly large health warnings followed by the introduction of graphic images has had no significant effect on smoking behaviour or the recall of health effects of smoking (source: Wardle H, 'Evaluating the Impact of Picture Health Warnings on Cigarette Packs' PHRC June 2010).

4.33 Given that current health warnings dominate the front of the cigarette packs and graphic images dominate a larger surface area on the back, there is no reason to believe that the removal of the remaining area dedicated to the brand will increase awareness and effectiveness of health warnings.

4.34 Increasingly large and shocking messages and pictures have failed. As the UK's Public Health Research Consortium research into the impact of health warnings on cigarette packs over past years has shown:

"With the exception of an increase in avoiding the messages, there were few behavioural changes post implementation of the pictures."

"There were few changes post implementation of the picture health warnings in the number of health effects recalled or participant's perception of risk."

“There were no differences post implementation of the picture health warnings in the number of smokers reporting forgoing a cigarette when about to smoke one or stubbing out a cigarette because they thought about the health risks of smoking.”

“Among young people, the impact of picture health warnings was negligible.”

Source: Wardle H, ‘Evaluating the Impact of Picture Health Warnings on Cigarette Packets’, PHRC June 2010

4.35 Standardised packaging is yet another admission by tobacco control that previous policies have failed and that ‘bigger and more shocking’ is the only way forward. There is no credible evidence that this will work. At best, standardised packaging may increase the visibility of health warnings for a very short period of time: temporary ‘shock’ value. Evidence from the PHRC shows that this noticeability soon wanes and there has been no change in smoking behaviour (other than avoidance of the messages) as a result.

4.36 There is no indication that the size, shape, colour or texture of existing branded tobacco products give consumers a false impression regarding the relative harm levels. The EU Special Eurobarometer 385 ‘Attitudes of Europeans Towards Tobacco’ published May 2012 indicated that 99% of UK consumers did not consider the shape of the pack to indicate levels of harm and 96% did not consider the colour of the pack indicate levels of harm. See the following table:

Which of the following do you consider indicate that a cigarette brand is less harmful than others?

The tar or nicotine levels indicated on pack	28%
Cigarettes without additives	5%
The brands name such as “silver” or “blue”	2%
Labelled as “organic” or “natural”	5%
Menthol flavour	11%
The shape and size of the cigarette eg slim cigarettes	3%
The light colour of the pack	4%
The taste flavour eg spicy , sweet or fruity flavour	2%
The shape or texture of the pack (eg slim or soft pack)	1%
Other (spontaneous)	3%
None	35%
Don’t know	19%
At least one element related to the information on the pack	35%
At least one element related to the shape of the tobacco pack/cigarettes	6%
At least one item related to a specific tobacco taste	12%

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Source: Special Eurobarometer 385 'Attitudes of Europeans Towards Tobacco'
published May 2012 page 87

- 4.37 Thus far we have seen a number of studies asking young people of their views on plain packaging and what they think their likely response would be if plain packaging was introduced. It comes as no surprise that the reaction of young people has been to indicate they find the dull brown or green packets and/or grotesque images unappealing.
- 4.38 Finding the packs unappealing however does not allow anyone to accurately predict what the likely actions of young people will be when face with the reality of standardised packaging in the future. While they may say that they would be less inclined to smoke, this is unlikely to be the case in a real world scenario, when the underlying factors affecting young people to smoke have nothing to do with the branding.
- 4.39 A unilateral policy on plain packaging of cigarettes in Ireland could see young people's attitudes shift to preferring non-Irish 'branded' packs. By necessity young people would need to source branded packs from the black or grey market. Dealers in smuggled cigarettes will not be asking for ID when they sell their products and consumers will find it difficult to tell genuine Spanish branded cigarettes from fake branded Spanish cigarettes.
- 4.40 When we consider that smuggled and fake branded cigarettes will also retail for considerably less than the taxed, legitimate non-branded packets, it is not hard to envisage an explosion in the demand for black market goods as well as the easier nature of counterfeiting non-branded cigarettes. Furthermore, children, teenagers and young adults are at the forefront of innovation and product development. If the standardised packets are as grotesque as those currently being proposed, another likely outcome is that those determined to smoke will find innovative solutions to conceal that which they do not wish to see.
- 4.41 Research that replies on what people say in the expectation they will then do it is unreliable. In 2007, the BBC ran a poll asking: "Will graphic images on tobacco products stop you smoking?" 36.3% of the 12,500 respondents said 'yes'. (Source: 'Smokers to face picture warnings', BBC, 29 August 2007). When the policy was later introduced, however, it had no observable effect on the smoking rate. (Source: Wardle H, 'Evaluating the Impact of Picture Health Warnings on Cigarette Packets', PHRC June 2010). Graphic images did not encourage people to give up smoking, so why would standardised packaging?
- 4.42 As the study from the Public Health Research Consortium noted, there were no perceived changes to the behaviour of smokers following the introduction of graphic images, or improved recollection of health risks:

"With the exception of an increase in avoiding the messages, there were few behavioural changes post implementation of the pictures."

“There were no differences post implementation of the picture health warnings in the number of smokers reporting forgoing a cigarette when about to smoke one or stubbing out a cigarette because they thought about the health risks of smoking”

Source: Wardle H, ‘Evaluating the Impact of Picture Health Warnings on Cigarette Packets’, PHRC June 2010

Given the failure of health warnings and the introduction of graphic images to cigarette packets, there is no reason to think that standardised packets or an increase in the warnings or images shown will have any impact on existing smoking rates.

- 4.43 Plain packaging may provoke one behavioural change amongst smokers – avoidance of the ugly gross images and packs.

“With the exception of an increase in avoiding the messages, there were few behavioural changes post implementation of the pictures.”

Source: Wardle H, ‘Evaluating the Impact of Picture Health Warnings on Cigarette Packets’, PHRC June 2010

Uglier, more shocking standardised packs will simply stimulate more extreme avoidance measures of those messages. As stated previously this may result in any number of activities that have thus far not been deemed necessary.

Thus far in Ireland we have not seen the widespread sale of tobacco packet coverings, but that is largely due to the fact that tobacco packaging to date has been, for want of a better description, tolerable. Given sufficient incentive (such as gross images on cigarette packs), it is highly likely that smokers especially would soon find a plentiful supply of coverings, boxes and cases in which to place their cigarettes.

- 4.44 Plain packaging is not about giving young people better information or educating them. Plain packaging is about the desire by anti-smoking campaigners to make cigarette packets as ugly, unattractive and ‘uncool’ as possible in the hope that this will further denormalise smoking and demonise smokers.
- 4.45 This is unlikely to succeed. Young people may prefer attractive brightly coloured packets in preference to dour brown packets when given a choice in an artificial test. Where there is no choice, however, and all packets are the same colour and size, young people will simply adapt to the new status quo, ignoring the health warnings and images as much as they currently do, if they are pre-disposed to smoke or – much more likely - find inventive means to cover the offending item with something they like, or turn to non UK branded goods. Cool cigarette cases (or ‘skins’) are the most likely response from young

people to gross packets – for some they may even become must-have personalised accessories.

- 4.46 There is one way that plain packaging may affect the attitudes and behaviour of young people. By putting cigarettes behind closed doors in newsagents and supermarkets and covering them in gross images you are branding them as ‘adult’ and as every parent knows, the more you make a big thing out of stopping a teenager from doing something, the more some teenagers want to do it. Indeed, a combination of display ban and plain packaging is more likely to play to the rebellious streak in youngsters and add kudos amongst their peers.
- 4.47 It is well known that two almost identical products can sell for completely different prices by virtue of the branding associated with it. Many companies, in a wide range of markets, will produce two barely distinguishable versions of the same product with similar costs of manufacture but markedly different branding, positioning and price. The same is true of cigarettes. The cost of manufacture of the cigarette may be very similar between a budget brand and a premium brand cigarette, yet the branding and packaging of the premium brand means it can command a much higher price and therefore deliver significantly larger profits. One in two smokers cannot distinguish between similar cigarettes in blind trials and it is widely expected by industry experts and analysts that many consumers would downgrade from the highly profitable premium brands to cheaper budget brands if standardised packaging is introduced.
- 4.48 Just as there is no credible evidence that children start smoking because they are attracted to so-called “glitzy” or “colourful” packaging, there is no credible evidence that non-smoking children (or adults) buy cigarettes on impulse, in a shop or anywhere else, because of exposure to cigarette packs. Ask any number of smokers why they started smoking and you would be hard pressed to find one who replies: “I started smoking because I was attracted by the packaging.” The principal factors – well established and agreed upon by many people, including tobacco control campaigners – are peer pressure and the influence of family members.
- 4.49 Branded tobacco products have been called “mobile billboards”. Yet they are hidden from view at point-of-purchase, bought sight-unseen (thanks to the display ban) and are generally carried in pockets and handbags, out of sight of children. They fleetingly see the light of day mainly in outdoor settings and then in the company of other smokers mostly.
- 4.50 FOREST recently conducted a small number of vox pop interviews in Dublin. Smokers were asked, “Why did you start smoking?” Answers included:
- “I started smoking when I was a teenager, probably because everyone else was doing it so I did it too to be cool, I suppose.”
- “I started smoking when I was about 15 years old because me and a friend, both our mums smoked a bit, and one day we took a packet of cigarettes

off them and gave it go, really, just because we were curious to see what it was like and how it would feel.”

“I started smoking because I was really young, had nothing to do, and all my friends were doing it.”

“I started smoking when I was 15 and I was by myself and I really wanted to try it. My sister smoked. There was no real reason why I did, I just wanted to try.”

“I started smoking at 28. I started because of a relationship, a girl. I’d just split up and that night smoked 20 cigarettes ...”

“I started smoking at 21. I don’t know why I started smoking. I was the social smoker relying on friends to provide the occasional cigarette. Then that became uncomfortable so I started buying my own packs.”

“I started smoking when I was about 17 years of age, way back in the late Sixties. It was a sort of daring thing to do in those days. That’s the reason I started smoking.”

“I started smoking when I was 13 because a friend of mine stole a cigarette from his mother. Then, on and off in school, I smoked because I was hoping to get in with the in-crowd so I used to go down with the cool kids and smoke in the back of the sheds.”

“I started smoking late in life. I was 27 or 28. It was something different to do.”

“I started smoking when I started secondary school ... I suppose the reason why was because all my friends were smoking and I kind of felt I needed to fit in more so I think all of us started smoking around the same time.”

Not one smoker interviewed mentioned packaging as the reason they started smoking.

- 4.51 We would also like to draw the Committee’s attention to a poll conducted by Red C for Forest Eireann in November 2013. According to the poll, a random sample of 1,002 18+ adults interviewed on the telephone by Red C between 18-20 November 2013:

Just nine per cent of people surveyed think standardised packaging is the policy most likely to reduce youth smoking rates in Ireland. In contrast more than half the population thinks health education in schools would be most effective in reducing smoking rates. Of four policy options considered in the poll, mandatory health education in schools (51 per cent), tackling the illicit trade (23 per cent) and banning adults from buying cigarettes for children (14 per cent) are all considered more likely to work than plain packaging (9 per cent).

The poll also shows that the public would prefer if the Minister for Health got on with the job of tackling overspending by the Department of Health. Given a list of four issues the Minister should prioritise in 2014, plain packaging ranked last on just 4 per cent. In contrast, 45 per cent want the Minister to prioritise the health budget overspend, 32 per cent childhood obesity, and 18 per cent under-age drinking.

- 4.52 The current Minister for Health has made plain packaging of tobacco a personal mission but only a very small minority think it is the best way to stop children smoking. Even fewer want it to be his number one priority in 2014. In our opinion he should concentrate on tackling the health budget overspend, and if he really wants to stop young people smoking he should focus on policies that have worked in other countries - health education in schools and tackling the black market that sells cigarettes to children at pocket money prices.

5.0 DECLARATION OF INTEREST

Forest Éireann is supported by Forest (Freedom Organisation for the Right to Enjoy Smoking Tobacco) which was founded in 1979 to represent adults who choose to smoke tobacco and non-smoking adults who are tolerant of other people smoking.

Forest (UK) receives donations from tobacco companies in Britain and Ireland. Neither Forest nor Forest Éireann represent the tobacco industry. We have a completely independent set of goals centred around the right to smoke a legal product without undue harassment or discrimination.

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