

Response to Proposals for Plain Packaging of Tobacco Products

General comments

The proposal for plain packaging of tobacco products in Canada is one which Physicians for a Smoke-Free Canada fully endorses. Recent promotions, as shown in Figures 1 and 2 below, demonstrate the importance of packaging to generating tobacco imagery.

The measures proposed by government in the consultation document released on May 31, 2016 are ones we fully support as a **minimum standard**. We endorse the submissions made by our colleagues at the Canadian Cancer Society, the Non-Smokers' Rights Association, the Heart and Stroke Foundation.

In addition, we encourage governments to take administrative and regulatory actions which will protect plain packaging from attempts to undermine its intended effect. In addition, we encourage the simultaneous implementation of complementary interventions which will strengthen the beneficial impact of plain packaging and accelerate reductions in tobacco use.

Response to Consultation Questions.

A. TOBACCO PACKAGE APPEARANCE

1. How could the measures under consideration with regards to tobacco packages, as set out in this document, be improved?

We recommend that plain packaging regulations/legislation include measures to prevent industry attempts to undermine their effect. These could include:

- A. Measures to prevent increased use by manufacturers of permitted packaging elements, such as brand names and variant names. Options include:
 - Limiting brand to the main brand name of one or two words only (i.e. Belmont, Export A, Pall Mall), i.e. no brand variants should be permitted.¹
 - Restricting brands to those which were on the market in Canada on May 31, 2016, i.e. a moratorium on new brand names.
- B. Measures to prevent use by manufacturers of other elements of the marketing mix (place, price, product).

¹ PSC stands by the recommendation it has previously made in previous consultation processes for single presentation, and appends them by reference to this submission. They are:

- Physicians for a Smoke-Free Canada. A comprehensive plan to end the 'light' and 'mild' deception. January 2005. http://www.smoke-free.ca/pdf_1/endingthedeception-2005.pdf
- Physicians for a Smoke-Free Canada. Commentary on Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms). May 2011. http://www.smoke-free.ca/pdf_1/2011/PSCSubmission-TPAR_May2-2011.pdf

PROMOTION. Prevent increased promotion in permitted channels by further restricting advertising (i.e. banning festival or event marketing); Limit expenditures on promotions.

PLACE: Prevent increased availability of tobacco products.

PRICE. Limit price differentiation in brands; Establish minimum prices.

C. Measures to monitor changes in tobacco marketing

- The Tobacco Reporting Regulations should be amended to require the companies to share with government detailed information on the prices they charge to retailers for their products. This will help assess the extent of downtrading, price differentiation, etc.
- The Tobacco Reporting Regulations should be amended to require the companies to share with government detailed information on all promotional activities.
- The Tobacco Reporting Regulations should be amended to require the companies to share with government the retail locations to which they sell their products, as well as the price and quantity sold.

D. Measures to remove all brand element from cigarette packages.

- We recommend consideration of ways to further de-brand cigarettes, including the removal of brand names.
- Latent brand imagery will continue to be carried through the brand names. We recommend consideration of increasing the impact of “generic packaging” with “generic names”, such as assigned alphanumeric codes.

E. Measures to avoid regulatory loopholes

- We recommend that plain packaging and labelling requirements should apply equally to *all* tobacco packages. There should be standardized sizes and appearance of packaging for cigarettes, cigars (i.e. small, medium and large), oral tobacco (50 gram package), snus (50 gram package), shisha, etc.
- Only one format of cigarette pack should be permitted—we recommend the slide-and-shell and not flip-tops.
- Only one size of cigarette pack should be permitted – we recommend a pack of 20 cigarettes.

F. Complementary packaging measures:

- We recommend that physical bundling of tobacco packages at retail be prohibited (no multiple packs).
- We recommend that graphic health warning messages should be required to cover no less than 75% of the major face(s) of all forms of tobacco products or related smoking products (shisha). Plain packaging exacerbates the regulatory preference now given to non-cigarette forms of tobacco, and will contribute to false beliefs that these products are less harmful. This point is illustrated by the mock-ups presented in the consultation document, as shown in Figure 1 below.
- We recommend that plain packaging requirements should apply to all tobacco accessories produced by, under license to or in association with tobacco companies (i.e. matches, cigarette package covers, cigarette holders, shisha pipes, etc).

G. Complementary tobacco control measures

- We recommend that the implementation of plain packaging be supported by simultaneously strengthening or expanding auxiliary tobacco control measures.
 - These could include administrative measures, such as mass media support, community engagement, focused communications, promotion of divestment from tobacco industry, etc.
 - Other legislative and regulatory measures, could increase the impact effect of packaging reforms. These could include tobacco tax increases, strengthened smoke-free laws, etc.

2. a) Are there any studies that would support the measures that you are suggesting? If so, please list the studies

Support for anticipating industry adaptation and increased marketing activities, as well as support for restricting brand variants can be found at:

S. Greenland: Tobacco manufacturer brand strategy following plain packaging in Australia: implications for social responsibility and policy. Social Responsibility Journal. 2016.

We believe that HC is already in possession of the research evidence supporting large graphic health warning messages on all tobacco products.

B. TOBACCO PRODUCT APPEARANCE

1. How could the measures under consideration with regards to tobacco products, as set out in this document, be improved?

We recommend:

- A. Regulations to establish a standardized length and diameter for cigarettes.
- B. Regulations to standardize appearance of cigarettes should, at a minimum, ban the use of whiteners.
- C. Regulations to prohibit all decorative elements on cigarettes (except optional alpha-numeric code, as assigned by government, in a prescribed format and font).
- D. Regulations to prohibit all decorative perforations or alteration of the paper
- E. Regulations to mandate a colour for cigarette rolling paper, or at least ban the use of decorative colouring (including whiteners).

2. a) What additional measures to regulate the appearance, shape and size of tobacco products would you suggest?

We recommend:

- A. A moratorium on the introduction of new categories of tobacco products without the express permission of Health Canada could protect against innovations designed to circumvent standardized product regulations.
- B. Regulations to standardize appearance of cigarettes should, at a minimum, ban the use of whiteners.

2b) Are there any studies that would support the measures that you are suggesting? If so, please list the studies.

- C. A moratorium on new products unless specifically permitted by Health Canada can be informed by the experience and research of the U.S. Food and Drug Administration in developing its requirement for premarket authorization.



Figure 1: Promotion for new brand variant, LD Club illustrating importance of packaging and cigarette decorations to even the lowest-priced brands. . source: <http://advantageplus-jti.com/product-updates/>

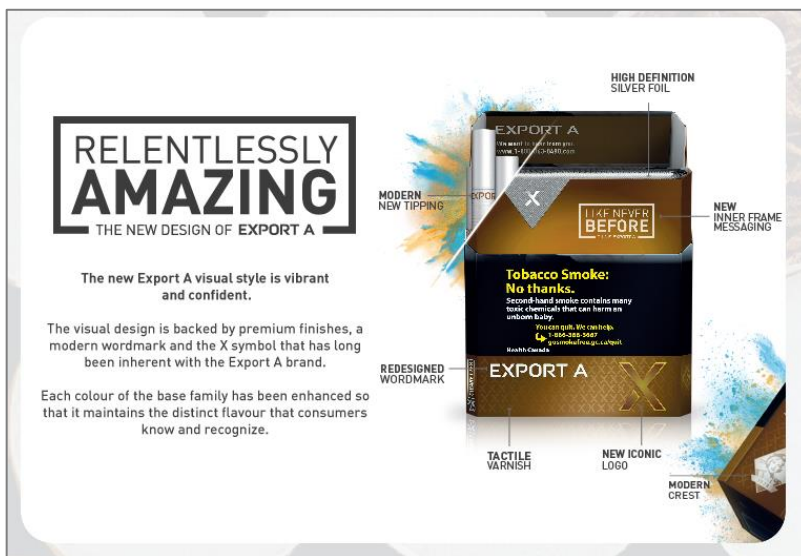


Figure 2: JTI-MacDonald's promotions for the redesign of Export A validate the importance of "tactile" elements and colour to brand imagery. source: <http://advantageplus-jti.com/product-updates/>



Figure 3: JTIM continues to use colours to recall misleading impressions of reduced cigarette harmfulness related to "strength" and "low-tar" Source: <http://advantageplus-jti.com/product-updates/>

Figure 4: Plain and standardized packaging will not address (and may worsen) the regulatory imbalance between warning messages required on cigarettes and those required on other tobacco products. This may contribute to false impressions about the health consequences of using these other products.

