



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

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Submission to the Ministry of Health on the proposal to introduce plain packaging of tobacco products in New Zealand

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action.

General Comments

NCWNZ welcomes the opportunity to consider this consultation document. In recent years NCWNZ has made a number of submissions on the subject of control of supply and display of tobacco products, the last being the 'Proposal to Ban Tobacco Retail Displays in New Zealand' in 2010 and the 'Smokefree Environments (Control and Enforcement) Amendment Bill' in 2011.

Responses to both these submissions strongly recommended the introduction of 'standardised or plain tobacco packaging' as part of the Amendment Bill to further reduce the prevalence of smoking in New Zealand and improve population health.

The responses from NCWNZ members to the questions in the consultation document continue to reflect the resolutions and policies passed by NCWNZ over the last 100 years which strongly opposed smoking, advertising and displays of tobacco products, and supported any campaigns initiated and promoted by the Cancer Society.

Over 150 branch members contributed to this submission as well as individuals and two affiliated member organizations.

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 the consultation document?

The majority of responses fully supported the proposal. A small number (8 responses) expressed scepticism, doubting it would be effective and considered the consumer's right to identify the product they wish to purchase.

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

- **Reduce the appeal of tobacco products?**

Opinions were divided as many members considered that it would not discourage young people from smoking but may reduce the general appeal for some smokers. It was agreed that evidence from research showed that children particularly find the bright colours on the packets appealing and recognize cigarette branding from a very early age. A few responses suggested that having plain packaging is a form of 'labeling' that has appeal.

- **Increase the effectiveness of health warnings on tobacco packaging?**

Members agreed that this may be an effective outcome. Some responses were that young people think they are invincible and warnings on packets do not discourage them from smoking. Habitual smokers in the older age groups also consider they are unlikely to succumb to smoking-related illnesses and are happy to continue risk-taking behavior.

- **Reduce the ability of tobacco packaging to mislead consumers about the harmful effects of smoking?**

There was a general support for any action that may lead to smoking cessation. However the majority of responses considered that this may not reduce the ability to mislead consumers greatly about the harmful effects of smoking and may be a distraction.

- **Influence the attitudes and behaviour of children and young people?**

Members responses considered that plain packaging may influence attitudes and behaviours of young people. However most agreed that peer group influence has a stronger impact than packaging. Some responses considered a ban on cigarette sales to anyone born after the year 2000 would be more effective in an attempt to create a Smokefree generation - a move currently being considered by the State of Tasmania. This should be coupled with awareness and education programmes for parents and caregivers and through primary and secondary schools, Plunket groups and kindergartens.

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

- **Discourage young people from smoking?**

Yes, the majority of members agreed. Early teens should be the key target audience as this is the age that they are most susceptible to marketing tactics and packaging.

Research shows that New Zealand children as young as 14 are starting to smoke. It is also known from studies, that if young people are not smoking by the age of 18 they are unlikely to start.

Members' responses also recommended that education programmes should be introduced at primary schools and the Life education Trust continued and extended. Television commercials should be used to 'talk' to teenagers about the dangers of smoking and display graphic images. Continuing to increase the price of tobacco products annually was a repeated response.

- **Encourage people to give up smoking?**

Responses indicated some agreement. The majority considered any action taken was better than none, as well as continued support for smokers to quit.

- **Help stop people who have quit smoking from relapse?**

It was agreed this may be beneficial. However price increases and the recent introduction of a ban on the displays of tobacco products were considered to be more effective measures.

- **Contribute to a reduction in smoking prevalence in New Zealand and reduce people's exposure to second-hand smoke?**

The majority of responses agreed, particularly if it helped to reduce exposure to second-hand smoke. Also responses commented that authorities should continue to ban smoking in specific public places and increase education to target audiences e.g. pregnant women and ante-natal groups, of the dangers of smoking in cars when children are present. Branded packaging also tempts young people and reinforces smoking behaviour for all smokers.

4. **If New Zealand goes 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?**

As there is strong evidence that plain packaging would further reduce the appeal of tobacco products and smoking in general, members agreed that New Zealand should go ahead. However many were not sure whether the scheme should be significantly different. A commitment to continuing a careful and robust process to develop the policy, as outlined by the Minister should be ongoing before final decisions are made and legal implications fully considered.

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)?**

Yes, it was agreed that consumers would feel further targeted and see this as an infringement of their rights as smoking is not illegal. Reducing the choice to consume a product that leads to illness or death is acceptable, ethically and fiscally.

- **Legal implications (eg. Implications for freedom of expression under the Bill of Rights)?**

Yes, maybe. However members agreed that smokers are gradually “losing the battle” and this may result in a smaller chance of legal rights being pursued. Possibly could be instigated by Tobacco Companies for individual smokers.

- **Advertise implications for competition or trade?**

Few responses were received. It was considered that there could be adverse implications for trade and New Zealand’s plan to introduce plain packaging may not be easy as we have a bilateral treaty with Hong Kong. Public-health objectives should be prioritized ahead of trade and investment treaties.

- **Unduly adverse impacts on tobacco manufacturers and exporters in developing countries?**

Some responses considered that the action may have an adverse impact on manufacturers and exporters in developing countries. However some commented that the long term goals and outcomes were preferable to the status quo and there will continue to be further restrictions on the sale and purchase of tobacco products. Consequently there will be some unintended and undesirable consequences in the short term.

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?

- **What difference would plain packaging make to the incentives or opportunities for the supply of counterfeit or contraband (i.e smuggled or non-duty paid) cigarettes?**

Members expressed some concern regarding these possible outcomes. However the majority considered these would be short term and controllable by the authorities.

Opponents of tobacco control and the tobacco industry predict dire consequences such as the growth of a ‘black market’ and criminal activity. However there appears to be no evidence that this will occur. If there are fewer smokers there will be lower or no demand for black market tobacco products. On the other hand, packets will be easier to ‘copy’ with little identification.

- **Do you have any views as to the role of the tobacco supply industry itself should play in the preventing illicit tobacco trade?**

Members considered that border controls will need to be stringent and customs officers made aware of the responsibility to check thoroughly for illicit tobacco importations. Plain packaging could allow for further difficulty in identifying products available in the marketplace. No suggestions were received as to the role the tobacco supply industry should play in preventing illicit trade other than vigilance and being responsible. Policing and monitoring by authorities will be necessary.

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

Responses from members include:

- The duty free tobacco products allowance should be reduced/removed. These products should also be packed in plain packaging if possible.
- Some would prefer the plain packaging to be white paper with graphic health warnings in colour and the company brand in small letters. As with food labeling, ingredients should be listed on the packet e.g. nicotine, additives etc.
- There should be legal restrictions on smoking in a vehicle with children present as this is seen as form of child abuse and a health hazard.
- The social, economic and health aspects of smoking in New Zealand must be the highest priority. Smokers expect healthcare and smokers overburden the health systems. The health hazards and associated economic cost to society is well documented. Thus any legislation such as the introduction of plain packaging is of high importance and will further reduce marketing opportunities.
- If plain packaging results in fewer tobacco products being sold and lower profit outcome for tobacco companies and subsequent loss of tax revenue for the New Zealand Government- this may have a direct effect on the availability of sponsorship for sporting bodies, NOS's and community groups.

Conclusion

Every year 5000 New Zealanders lose their lives to smoking-related illnesses. The New Zealand Government has set a target to be smoke-free by 2025 and the introduction of plain packaging will further reduce marketing opportunities. NCWNZ fully supports the proposal to introduce plain packaging of tobacco products in New Zealand and thanks the Minister and the Ministry of Health for the opportunity to make this submission.

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