
Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

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Confidentiality

Please keep my comments confidential: Yes
(reasons including identity of specific comments if applicable)

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

N/A

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Nil

Additional information

I am, or I represent, an organisation that is based in:

New Zealand Australia Other *(please specify)*:

I am, or I represent, the following category or categories: *(tick all that apply)*

- | | |
|--|---|
| <input type="checkbox"/> Overseas manufacturer | <input type="checkbox"/> New Zealand-based manufacturer |
| <input type="checkbox"/> Importer | <input type="checkbox"/> Exporter |
| <input type="checkbox"/> Retailer | <input checked="" type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (e.g., university, hospital) |
| <input type="checkbox"/> Member of the public | <input type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other <i>(please specify)</i> : | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

Yes

No

Please outline your reasons.

Regional Public Health supports this proposal. Specificity is strongly encouraged so as to assure tobacco manufacturer compliance. Specificity will:

- place clear limitations on the tobacco manufacturers on pack size (20/25) and on loose tobacco (30g/50g);
- curb the possible use of 'bonus packs' being attached to the main tobacco packet and/or package as occurred in the Australian market.

RPH would suggest, in alignment with the *Smokefree Nation 2025*, that a further limitation on pack size is instigated from the year 2020 to reduce consumer choice to **one pack size** and **one quantity of loose tobacco**. This limitation could be enabled within these draft regulations.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

Yes

No

Please outline your reasons.

Regional Public Health supports this proposal.

- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

Yes

No

Please outline your reasons.

Regional Public Health supports this proposal.

4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

Yes

No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Regional Public Health does not support this proposal. RPH would recommend the use of a solid 'hard-plastic' rectangular container that complies with:

- the standardised colour palette used on cigarette packs
- health warnings, Quitline information
- a specified minimum and maximum height, width and depth

RPH believes that utilising such a container will ensure a consistency across all tobacco product lines. Also a 'hard plastic' container will assist in the display of health warnings/images, 0800QUITLINE information, etc.

5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

Yes

No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

Regional Public Health supports the proposal to standardise cigar packaging.

Regarding the limitation on the number of cigars per pack RPH supports a ban on the sale of single cigars from the year 2020. Further more, as stated in our Q 1 response, RPH would also suggest that consumer choice is limited to **one specified pack size** from 2020.

6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

Yes

No

Please outline your reasons below.

Regional Public Health supports this proposal. This measure should be consistent with all other packaging associated with tobacco products.

7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

Yes

No

If yes, please provide detail below.

RPH would suggest that the Ministry of Health consider future proofing regulations. These would encompass other cessation delivery devices within a general provision that would outline requirements, such as the standardised colour palette used on tobacco packaging.

Cigarette cartons (Part 3) – While cartons are largely out of sight of the consumer RPH would recommend that specificity is required to encompass a standardisation regime on **all** packaging.

Permitted markings on tobacco packages

8 Do the regulations need to allow for any other anti-counterfeiting marks?

Yes

No

Please provide detail and reasons below.

Regional Public Health agrees that the Ministry of Health should be guided by both the Australian governments experience and considered best practice models that will assist. RPH strongly supports obligations to the *Framework Convention on Tobacco Control Protocol to Eliminate Illicit Trade in Tobacco Product*.

9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

Regional Public Health agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

Yes

No

Please provide detail and reasons below.

Regional Public Health agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

Yes

No

Please provide detail and reasons below.

Regional Public Health supports the use of unique identification code (alphanumeric coding) that will determine the origin of the products. RPH agrees that the Ministry of Health should be guided primarily by the Australian governments experience on this matter and any other relevant parties to the *FCTC's Protocol to Eliminate Illicit Trade in Tobacco Product*.

Additional features to increase the effectiveness of standardised packaging

12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

Yes

No

If yes, please provide detail below.

Regional Public Health believes consideration for the following will have an impact on the effectiveness of standardised packaging.

Dissuasive cigarette sticks: The Ministry of Health is aware of the work undertaken by Professor Janet Hoek of Otago University on this ground-breaking work. RPH would like to strongly recommend that this approach is included as part of these draft *Regulations*.¹ RPH views this as an opportunity for New Zealand to lead on standardised/plain packaging on the global stage.

Reformatting Quitline Information: RPH strongly supports the proposed *Aspire 2025* submission to implement the 'Two-Panel Label Format' below. As stated the evidence² asserts that this format will have a more pronounced visual impact on the consumer:



Brand variants: RPH supports a restriction on brand variants. As noted by Scollo et al³, the use of evocative brand names e.g. *Peter Jackson Gold* which was a variant with Gold packaging became *Peter Jackson Rich Gold* and formerly blue packaged *Dunhill Distinct* became *Dunhill Distinct Blue*. Effectively the manufacturers are utilising an opportunity to continue marketing specific brands. RPH supports the suggestion by *Aspire 2025* that the introduction of new variants ceases from 31 May 2016.

Health warning rotation: RPH recommends that proposed *Regulations* state that a regime of reviewing health warnings is considered every two years. This is primarily to avoid consumer dissonance.

'Roll Your Own': Currently *Regulations* do not extend to separate filters and cigarette papers. RPH believes standardised packaging regulations should be inclusive of these products. If the use of dissuasive paper is excluded from the current submission round or in the future then this will be required regardless.

Filters: RPH would suggest specificity regarding the length and diameter of filters under *Regulations*. Innovations that involve 'within-filter' such as flavour capsules should be prohibited. The Australian experience saw an uptake of 3-4% with such innovations.⁴

¹ Hoek J et al, *Dissuasive cigarette sticks: the next step in standardised ('plain') packaging?* <http://tobaccocontrol.bmj.com/content/early/2015/12/23/tobaccocontrol-2015-052533.abstract>, Tobacco Control doi: 10.1136/tobaccocontrol-2015-052533, 2015.

² Hoek J, Gendall P, Eckert C et al, *A comparison of on-pack Quitline information formats*. Tobacco Control 2014.

³ Scollo M et al, *Tobacco product developments coinciding with the implementation of plain packaging in Australia*. Tobacco Control 2014; 24 (e1):tobaccocontrol-2013-051509.

⁴ Thrasher et al. *Cigarette brands with flavour capsules in the filter: trends in use and brand perceptions among smokers in the USA, Mexico and Australia, 2012-2014*. Tobacco Control 2015: tobaccocontrol-2014-052064.

Inserts: RPH does not support the draft *Regulations* Part 1 s12. The use of inserts is an opportunity to provide consumers with:

- detailed health information (cessation, health promotion)
- product content (ingredients, additives, nicotine levels)

RPH would assert that for such a harmful product there is a dearth of consumer information that highlights the direct and indirect harm. Having an enabling regulation that specifies the required information would provide a modicum of accountability on the manufacturers' part. Inserts have been introduced internationally, most notably in Canada where 26% to 31% of sampled had read the insert information that subsequently led to a quit attempt.⁵

Vending machines: RPH believes that the 'plain packaging' regime (prescribed colours) be extended to vending machines that can be seen from a place to which members of the public have access to - *Smoke-free Environments Act 1990* 'Labelling and health messages for tobacco products' Part 2, s.32 (3).

Other comment on content of draft regulations

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

Evaluation: Regional Public Health strongly supports an evaluation programme based on the workplan undertaken by Australian researchers.

Size of health warnings: RPH supports a minimum benchmark of harmonisation with the Australian jurisdiction of 75% of the front and 90% of the back of the pack. Consideration to look to other jurisdictions that are leading on this e.g. Thailand with 85% coverage of back and front of packs.

Reo Pasifika: Consideration given to introducing health warnings in at least two of the largest Pasifika languages in response to the disproportionate level of harm caused from smoking amongst Pacific peoples in New Zealand.

Future proofing: Consideration should be given in the drafting of these *Regulations* to include other devices that contain nicotine.

⁵ Thrasher J F et al, *The use of Cigarette Package Inserts to Supplement Pictorial Health Warnings: An Evaluation of the Canadian Policy* <http://ntr.oxfordjournals.org/content/17/7/870>. 2014.