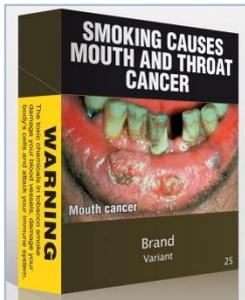


ASH Scotland briefing on the plain packaging of tobacco products February 2012

What is plain packaging?

Plain packaging involves regulating the design characteristics of tobacco packaging (e.g. the branding, colouring, typography, size, shape and method of opening), specifying that tobacco products be sold in uniform packaging, the details of which would be decided upon by regulatory agencies. As is planned in Australia, large pictorial warnings and consumer information could cover most of the pack area.



Example of plain packaging as proposed in Australia

Why plain packaging?

Cigarettes are an oddity amongst consumer products, being the only legal product that kills around half of its users when used as intended by the manufacturer¹. Most smokers in the UK start smoking before they reach the legal age of sale for tobacco of 18², with early uptake being associated with future heavier smoking and poorer health outcomes³. Tobacco manufacturers are keenly aware of the need to recruit new smokers to replace existing consumers who quit or die (there were 13,321 deaths attributed to smoking in Scotland in 2008⁴) - analysis of tobacco industry documentation finds frequent reference to the importance of tracking the attitudes, behaviours, and inclinations of 'young adult smokers', 'young people', and the 'youth market'^{5 6 7}.

In an environment where conventional 'above the line' marketing communication (such as billboard, television and magazine advertising) has been prohibited, tobacco manufacturers have few options available. However, they still possess one, very powerful, marketing tool which has been candidly referred to by the tobacco industry as their '*last chance marketing saloon*'⁸ - packaging. A pack goes everywhere a smoker goes, and is a powerful and portable marketing device, as a tobacco company employee noted in 1985:

*'... if you smoke, a cigarette pack is one of the few things you use regularly that makes a statement about you. A cigarette pack is the only thing you take out of your pocket 20 times a day and lay out for everyone to see. That's a lot different than buying your soap powder in generic packaging.'*⁹

The power of the brand

For a product like cigarettes, branding holds particular importance. Given a blind test, smokers are generally poor at discerning differences in product characteristics like taste or smell, however when branding is added, the product is created. In the words of an Imperial Tobacco employee:

*'So the discrimination in product terms, pure blind product terms, without any packaging or name around it is very limited. You can tell if it's very mild or very strong, and you might get some case characteristics that are different. But it's very difficult for people to discriminate, blind tested. Put it in a package and put a name on it, and then it has a lot of product characteristics.'*¹⁰

The colouring and typefaces, imagery and symbolism used in cigarette packaging can elicit particular responses in consumers and link culturally desirable attributes with particular brands. The solid gold finish and coat of arms that feature on the packaging of Japan Tobacco International's Benson and Hedges brand imply quality and status. Recent slim-line pack designs targeted at women such as British American Tobacco's Vogue Perle brand (trade advertisements proclaim it has been '*Designed in Paris*'¹¹) emulate perfume packaging design and espouse values of being attractive, slim and sophisticated.



Japan Tobacco International's Silk Cut 'Superslims'

While packs are intended by the industry to communicate brand 'personality', these persona invented by tobacco industry marketing departments are deceptive, attempting to distance consumers from tobacco's genuine character – which, as an addictive killer, is significantly less attractive.

What's the evidence to support plain packaging?

New research on plain packaging has accrued rapidly over the last five years. Through both traditional approaches (such as cross sectional surveys) and with novel methods of investigation (such as naturalistic studies and the use of eye-tracking technology), researchers have examined this topic. The weight of evidence currently available supports three main conclusions: that plain packaging can reduce misperceptions of relative differences in harm between brands; it increases the effectiveness of health warnings; and that it makes tobacco packaging and products less appealing. Taken together, all of the evidence suggests that legislative implementation of plain packaging will be effective in more accurately informing current smokers about the risks of smoking thereby encouraging cessation, and making tobacco products less attractive to young non-smokers, hence preventing uptake.

1. Plain packing reduces misperceptions of harm between brands

Current practice, where manufacturers have relatively free reign in the design and colouring of packs contributes to a perception that some brands are less harmful to the smoker than others. Evidence from tobacco industry documents¹² indicates that cigarette manufacturers have an understanding of the ways in which differences in imagery and colouring influence consumer attitudes and behaviour.

The colour of packaging, in particular, is strongly associated with perceptions of risk. Smokers mistakenly perceive certain colour combinations and pack features as being indicative of reduced harm. One survey¹³ of both adult and youth smokers in the UK found that, when compared with red Marlboro packs, gold packs were rated as a lower risk to health by 53% of adult smokers, and as easier to quit by 31%. In the same study, plain packaging significantly reduced misperceptions around differences in health risk. In a large, international survey of over 8,000 current and former smokers from the UK, the USA and Canada smokers of gold, silver, blue and purple

brands were more likely to believe their brand is less harmful compared to smokers of red or black brands¹⁴.

Descriptors like 'light' and 'mild' were used by the tobacco industry for many decades to distinguish between cigarettes with lower machine-measured emissions of tar and nicotine. However, it is now well-established that, due to compensatory behaviours on behalf of the smoker of 'light' cigarettes (e.g. covering filter perforations, drawing more frequently or more deeply) light cigarettes do not appear to confer significant health benefits. Light cigarettes also have the potential to cause excess harm for consumers of these brands who would otherwise have quit had they not been available on the market¹⁵. Such descriptors were prohibited in the UK following legislation at the EU level in 2003, however a legacy of misperception around relative harm continues, mediated by packaging design. Adoption of plain packaging will help break this link, and more accurately communicate the scientific evidence that there are no significant differences in health risks to the consumer associated with the use of different brands of cigarettes.

2. Plain packaging increases the effectiveness of health warnings

Health warnings on tobacco packaging are a direct and arresting means to communicate the seriousness of the health outcomes associated with smoking. The large body of research evidence that has accumulated on health warnings¹⁶ indicates that, while text-only warnings have limited impact, large and prominent graphic warnings serve to increase comprehension of the risks of smoking and promote cessation.

A 2002-2005 international survey engaged a representative cohort of nearly 15,000 adult smokers¹⁷ from four countries. In Canada, where large pictorial warnings had been in place for the longest, respondents were significantly more likely to notice warnings, and report that warnings had made them think about quitting or the health risks incurred by smoking. In the same study, the implementation of large pictorial warnings in the UK significantly increased the reported salience and impact of health warnings.

Early research on the effects of plain packaging from Canada, using surveys and qualitative focus group investigation with teenagers concluded that plain packaging projects less positive imagery than regular packaging and that research participants reported plain packs would reduce youth smoking¹⁸.

More recently, in a novel study design utilising eye tracking technology, Munafò and colleagues measured the number of saccades (eye movements) towards warnings on plain packs, compared with conventional branded packs. Greater visual attention was paid to health warnings on plain packs compared to branded packs¹⁹, an effect that was significant for non-smokers and weekly smokers, but not daily smokers. A mechanism proposed to explain the results of this study is that a decrease in features in one area of the visual field serves to drive attention to a more feature-rich area of the visual field. As this effect was lacking in daily smokers, it may be that this mechanism can be overridden by other factors such as habituation (highlighting the importance of varying graphic warnings), or that brand details may be more prominent for daily smokers when compared to weekly smokers or non-smoker. This

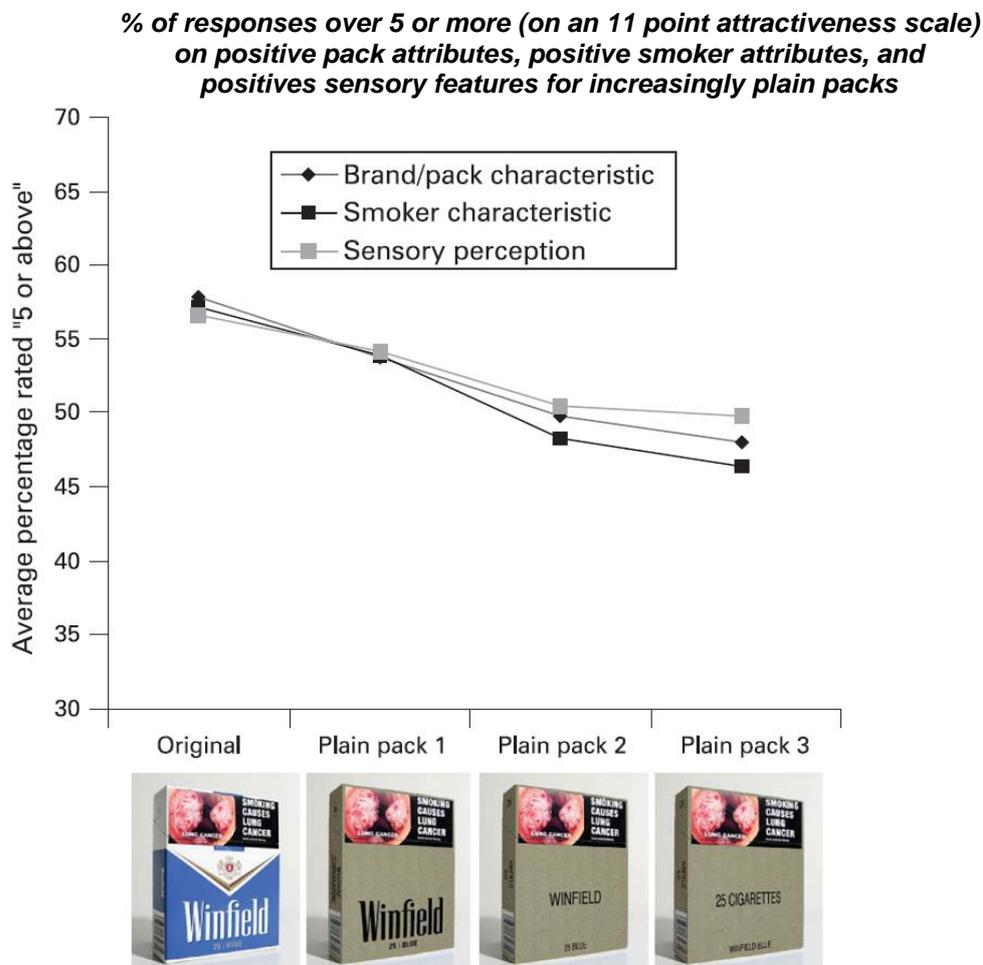
increased salience may negate concerns raised by tobacco companies that smokers will not be able to discriminate between brands when plain packaging is introduced.

Implementation of plain packaging increases the effectiveness of pictorial warnings, a measure we already know to be effective. Removing branding creates more space on the pack for health messages, such as stop-smoking advice, and directions to further cessation support for those who wish it.

3. Plain packaging makes tobacco packaging and products less appealing

As described previously, branding is a central element to generating consumer appeal and demand for tobacco products. Research consistently finds that, when presented in plain packaging, tobacco products are rated as less appealing.

A study of over 800 Australian adult smokers found that cigarette packaging that displayed decreasing degrees of branding were perceived with correspondingly decreasing favourability, as the graph below demonstrates²⁰.



Adapted with permission of the authors from: Wakefield MA, Germain D, Durkin SJ. How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study. Tob Control. 2008 Dec;17(6):416-21.

A similar finding was seen in a study surveying consumer perceptions of plain packing among both adult smokers and non-smokers in France²¹. In this study plain

packs were less likely to be considered attractive and attention-grabbing, and also less likely to motivate youth purchase than standard and particularly limited edition branded packs.



The difference branding can make. Image used courtesy of Cancer Council Victoria.

The reduction in perceived attractiveness of plain packaging has also been demonstrated in brands apparently targeted at particular sections of the market (such as the feminine Silk Cut 'superslims', pictured previously). Two similar studies, one based in the US²² and one in Canada²³ investigated the effect of limiting branding and imagery on a range of packs judged to be targeted at women. Investigators found that fully-branded female packs were rated more positively than the same packs without descriptors such as 'slims'. Interestingly, researchers found that participants viewing plain packaging were less likely to report a

belief that smoking helps people control appetite, (a predictor of smoking amongst young women).

Similar findings are also present in the available studies that have examined the views of young people on tobacco packaging. An online survey with young people aged 10-17²⁴ found plain packs were rated more negatively (as were perceptions of smokers of plain packs). A recent pilot naturalistic study²⁵ among young adult smokers aged 18-35 (where plain packs were used in a real-life setting) found the use of plain packs increased negative perceptions and feelings about smoking.

Lastly, an auction experiment with adult American smokers²⁶, where four hundred participants bid on differing designs of packs (with different sizes and types of warning and brand imagery) to assess the differences in perceived consumer demand found that demand was significantly lower for packs with picture warnings, with the lowest demand for plain, unbranded packaging.

All the published evidence indicates that plain packaging - by removing the sophisticated branding embellishments that tobacco company marketing departments use to create product appeal – reduces the attractiveness of tobacco packaging, and the product, for a range of consumer groups.

What does the tobacco industry think?

On plain packaging, the tobacco industry has protested more vociferously than at any time in the recent past. For example, the industry journal *Tobacco Journal International* agonised in a cover splash that '*Plain packaging can kill your business*'²⁷.

The industry has responded to this threat with a range of arguments, dealt with in turn, below.

- **‘It won’t work/there’s no evidence it will work’**

Putting aside an apparent contradiction in the strength of opposition for a measure believed to be ineffective, the tobacco industry has long had a challenged relationship with the concept of sufficient evidence (particularly when the evidence points towards effective regulatory measures that will interfere with its ability to freely market its product). The fact that, at present, no countries have implemented plain packaging is pointed to by the industry as indicative of a deficiency in evidence. While it is true that plain packaging has not yet been implemented by another country (though Australia plans to do so in December 2012), this circular argument precludes plain packaging ever being implemented, as the standard of evidence required by the industry for the measure’s introduction is only possible when the measure has been introduced. In any event, this line of argument serves only to distract from the robust and growing body of literature on the likely effects of plain packaging, which already demonstrates consistently that plain packaging reduces consumer misperception of the harms of smoking; increases the effectiveness of health warnings; and makes tobacco packaging and products less appealing to both adults and young people.



Tobacco industry trade journals demonstrating the importance of packaging,



- **‘It will be a ‘counterfeiters charter’/it will boost the illicit trade’**

The tobacco industry raises the spectre of the illicit trade in response to nearly every regulatory measure, and their claims deserve careful scrutiny in this regard. While it is argued that plain packaging will make it easier to copy legitimate brands, it should be noted that counterfeiters have little problem imitating current branded packs. Features that make packaging more difficult to counterfeit do not have to be tobacco industry branding. Large, varying, full-colour pictorial warnings can be made equally complex to copy. Pack security markings and procedures currently being considered at the European and international level²⁸ (such as data matrix barcodes, holograms, tracking and tracing systems), can all be implemented on plain packs as well as they can on current branded packaging. Plain packaging could provide an opportunity to review and improve on current regulation on identification of legitimate tobacco products, and to fight the illicit market more effectively.

- **‘It will be difficult for retailers and add to transaction times’**

In Australia, where plain packaging is due to be implemented in 2012, retail groups funded by the tobacco industry have estimated that plain packaging will be a significant extra burden for retailers in terms of excess time required to locate a brand for sale (taking up to 45 seconds, and costing stores up to A\$27,500 per year²⁹ - however this appears to be based on the estimates of only six retailers³⁰). A recent study by Carter and colleagues³¹ tested these claims experimentally and found them to be far-fetched. Time taken to locate packs was actually slightly quicker for plain packs compared to conventional branded packs (2.92 v 3.17

seconds), colouring and inconsistent placing of brand names serving to distract, rather than enhance transaction speed.

- **‘It will be confusing and restricting for consumers’**

This argument appears somewhat insulting to the intelligence of consumers of the tobacco industry’s products. Different varieties of tobacco products will still be able to be sold under plain packaging regulations, current brand names will continue to be allowed and new brands will be permitted, and information on what brands any retailer stocks will be available through price lists and other means. Tobacco products enjoy very high brand loyalty, most smokers stick with their preferred brand and do not switch, however if they do wish to, that option will not be prevented by the introduction of plain packaging.

- **‘It’s already been considered and rejected in other countries’**

Tobacco companies are so strongly opposed to the introduction of plain packaging, that they *‘do not want to see plain packaging introduced anywhere regardless of the size and importance of the market’*³². Successful tobacco control measures, such as making indoor public places smoke-free, typically have a domino effect of international adoption. This is an outcome the tobacco industry desperately wishes to avoid so it hopes to slow such progress by making plain packaging plans appear unpopular and rejected. However, many countries in addition to the UK are actively considering or have expressed support for the idea of plain packaging (including New Zealand, Belgium, and France³³), and are closely watching countries further ahead in the process.

- **‘It’s an illegal acquisition of intellectual property, the taxpayer will have to foot the legal bill’**

In Australia, a central argument of the tobacco industry has been that prohibiting the use of packaging contravenes trademark rights, particularly the World Trade Organisation’s agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Opponents of plain packaging in Australia have concluded that, if the alleged illegality of the measure was vindicated by the courts, the Government would be liable for over \$3 billion dollars annually³⁴. The validity of calculations involved to reach this sum have been questioned³⁵, but in any case are based on the assumption that implementation of plain packaging is actually acquisition of property. There are strong legal arguments^{36 37} that rebut this position, based on the view that there is no right to use trademarks granted by intellectual property law, only to prevent other parties using trademarks improperly. Governments who implement plain packaging do not intend to use tobacco industry trademarks - which will remain the property of the tobacco industry - they will simply no longer be able to use them in the context of product packaging.

- **‘It will result in a price war, which will *increase* youth smoking’**

Studies sponsored by the tobacco industry³⁸ have concluded that plain packaging will result in price competition which will lower tobacco prices across the market. This, it is argued, will make tobacco more affordable to price-sensitive smokers such as those on low incomes and young people. The underlying assumptions used in analyses supporting these conclusions³⁹ have been questioned⁴⁰ and probably overstate the extent to which prices will fall. In any event it can be demonstrated⁴¹ that tobacco duties can be adjusted to compensate for any falls in manufacturer’s price, leaving the end price unchanged (with the additional effect

of reducing profits for tobacco manufacturers, while increasing taxation duty received).

- **'It's the nanny state gone too far'**

In Australia, tobacco companies have aggressively argued⁴² that plain packaging represents the worst excesses of the 'nanny state', interfering with what should be ultimately free adult choices. This is typically accompanied with a 'what will they do next?' argument, suggesting that similar restrictions will swiftly follow in other spheres of public health. However, some perspective is needed here. Smoked tobacco - which is fatal for half of its consumers and has no recognised 'safe' level of use - is quantifiably different from alcohol (where low levels of consumption have only limited negative or even a small beneficial effect on health⁴³) or less healthy foods (there are no credible calls for implementing pictorial health warnings on white bread advising consumers to shift to wholemeal). While there is some degree of commonality across public health approaches to different issues, there are also necessary divergences. Smoking tobacco is uniquely harmful and merits a uniquely strong response.

Conclusions

It has been suggested that the degree to which the tobacco industry protests any given regulatory measures is directly proportional to its effectiveness in reducing tobacco consumption: the industry 'scream test'. There can be few measures where the tobacco industry has screamed louder than the implementation of plain packaging.

As discussed above, all the evidence accumulated to date suggests that plain packaging - through providing more accurate consumer information and reducing packaging and product attractiveness - will serve to further limit the allure of tobacco for young people and will, in time, reduce the numbers who take up smoking as part of a comprehensive tobacco control strategy.

The experience of Australia to date provides instructive experience for the UK. While the tobacco industry has protested vociferously the Government's world-first move, the arguments and objections they raised, as described in this briefing, are superficially plausible but fall apart under closer scrutiny. The protestations reflect deep uncertainty and concern within the industry over a measure they must surely believe to be damaging to their pursuit of profit for their shareholders.

What action can I take to support plain packs in Scotland?

The Westminster Government has announced it will open a consultation on plain packaging of tobacco products during spring 2012. Although any legislation on plain packaging for tobacco will pass through the Westminster Parliament, the Scottish Parliament will also have to consent for the law to be implemented here.

It's important to show support for the principles behind plain packaging during the consultation stage, and beyond. You can sign up to show your support, send a message to your MP and be kept informed of developments at:

<http://www.ashscotland.org.uk/plainpacksprotect>

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