

# Standardised Tobacco Products and Packaging Draft Regulations – Submission form

To: standardisedtobacco@moh.govt.nz

NO we do not have any direct or indirect links to or vested interests in the Tobacco Industry

YES we give permission for our details to be released under the Official Information Act

## Introduction:

Thank you for this opportunity to make a submission on standardised tobacco products and packaging draft regulations. The Smokefree Coalition is a united voice for action towards achieving the Smokefree 2025 Goal. It has over 50 organisational members representing a broad and diverse health care workforce committed to increasing successful cessation and increasing public support for greater tobacco control measures.

New Zealand has received global recognition for its innovative approaches and leadership in tobacco control. It was one of the first Nations to endorse the Framework Convention on Tobacco Control, and since 2011 has had government commitment to making the nation Smokefree by 2025. There has been significant progress toward this goal, with the introduction of targets throughout primary and secondary care, new funding toward piloting and evaluating innovative cessation programmes, new funding toward building evidence toward further tobacco control interventions, and legislation to ban tobacco within retail display, reduce duty-free quotas for entry of tobacco into the country, and annual tobacco excise tax increases.

But robust modelling of prevalence rates to 2025 indicate that all of the above efforts are still not enough to achieve the Smokefree 2025 goal. More must be done to de-normalise tobacco use by restricting supply and marketing activity, reducing visibility and de-normalising smoking.

Tobacco consumption remains a significant threat to public health. It adds to health inequalities as smoking prevalence remains higher in Maori, Pacific and low income groups. These groups bear a disproportional share of the impact that smoking has on health and longevity of life. Without innovations and a targeted approach to our tobacco control programme, inequities between Maori and non-Maori New Zealanders caused by tobacco use will continue, and the <5% prevalence goal of the nation will not be achieved for this priority population.

Legislating standardised packaging for tobacco has taken too long. We question the reasons given by our leaders for the delays: they imply the fiscal costs and risks of legislation the tobacco industry threaten to bring against government outweigh the health costs already brought to bear upon the public by their products. We argue that this influence that our leaders allow the industry to have upon their decision-making breaches article 5.3 of the Framework Convention on Tobacco Control.

We acknowledge and welcome this consultation on the regulations, however, taking place concurrently to the legislation, to pre-empt resistance from the retail and tobacco sectors which may have prolonged their implementation further.

Our answers are therefore brief and this submission is made more to show our full support to the researched and referenced answers of ASPIRE2025.

Sincerely,  
Dr Prudence Stone  
Executive Director

Dr Jan Pearson  
Chair

# Consultation questions

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**

Limitation of options assists in the prevention of brand variance, and so we support the proposal to limit the number of cigarettes in a pack to one quantity only, for both cigarettes and loose tobacco.

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

**Yes**

Setting strict dimensions for cigarette sticks also assists in the prevention of brand variance: we recommend that government set **exact** dimensions for all cigarette sticks. Setting only minimum and maximum dimensions still allows for brand variance. We recommend also setting exact dimensions for Roll Your Own (RYO) papers and filters, and that this standardised packaging legislation applies to all tobacco's associated products.

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**

However we argue that minimum and maximum heights, widths and depths for cigarette packs is not good enough. We recommend **exact** height, width and depth of packs be specified in government regulations, so that no decision-making powers are left to the tobacco industry from which some brand variance might be sustained.

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

**No**

If you do not agree, what alternatives do you suggest?

Soft-plastic packaging is not environmentally friendly material: its manufacturing processes create toxic waste and it does not decompose. Consumers can also fold the soft plastic packaging to compromise the long-term visibility of the health warning.

We recommend RYO packaging should be constructed from an environmentally friendly and rigid material, such as recycled cardboard, with exact dimensions as similar as possible to cigarette packs specified in these regulations. This recommendation serves multiple purposes of ensuring packaging has the least impact on the environment, keeping the most long-term salience of the pack warning, and reducing brand variance among tobacco products.

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**

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

**Yes**

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

**Yes**

We endorse the considered recommendations put forth in ASPIRE2025's submission:

- the regulations should prevent any introduction of new variant names of tobacco products not already in use at date of legislation
- the regulations should set out a regular (two year) programme to continually review and refresh pack warnings, so that research can support design of currently resonant themes for the diversity of existing customers
- the regulations should require all factory made cigarettes and all rolling papers to match Pantone448C
- the "two format" design spec provided by ASPIRE2025 to enhance the salience of the Quitline information should be adopted
- we support Canada's adoption of inserts to promote quitting within the package, and recommend New Zealand also adopts this further innovation for targeted health promotion
- we also support Canada's prohibition of distinctive filter colours or designs (eg. grooves, holes or recesses) where a filter is present, and recommend New Zealand's adoption of this further restriction in product design
- the Ministry of Health should set in place a regime for evaluating these regulations' impact on consumer behaviour, so that like Australia we produce supporting evidence to other nations that are preparing for plain packaging

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

We have no suggestions regarding anti-counterfeiting and simply recommend New Zealand stays consistent with Australian regulators' advice on the matter.

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 intentions of standardised packaging?

Please provide detail below.

We strongly recommend submissions from tobacco industry are treated with extreme scepticism when they suggest extra markings to be permitted for anti-counterfeiting purposes. Permitting their suggestions or providing them with room to determine markings is opening a new door toward continuing a form of brand variance. The tobacco industry itself has been found in various places around the world, to be active and/or complicit in illicit trade of tobacco products. The motivation is to undermine strong tobacco excise tax regimes using trade circuits between nations: their advice on controlling counterfeiting will have the same motivations and is therefore compromised and not to be trusted.

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

**No**

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

**No**

The country of manufacture is a form of variance which would certainly add value or detract value for customers and is therefore a relevant resource to manufacturers for the creation of brand power. We do not support the country of manufacture to be printed anywhere on tobacco products or packages.

12. Are there any additional features within the scope of the regulation-making powers in the Smokefree Environments (tobacco standardised 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**

Funding has been cut for mass media marketing - of the Smokefree 2025 Goal in general and quitting in particular - and this absence of health promotion undermines the impact of all tobacco control measures. We propose that the evaluation programme introduced to ongoingly measure the impact of the packaging regulations upon the salience of health warnings on packs (see our recommendation in Question 7) includes their routine testing of health warning themes for the New Zealand consumer via mass media marketing.

Involving mass media marketing within a research agenda for maintaining highest performing health warnings on packs is an excellent strategy to ensure salience and heighten each message's reach on New Zealand audience. The added value mass media marketing outcomes has in providing evidence to establishing health warnings on packs with greatest impact on consumers, may ensure that this necessary measure, which should be funded and would have great impact in its own right, is given greater precedence by our government in future.