

Bath & North East Somerset Council

MEETING:	Wellbeing Policy Development and Scrutiny Panel
MEETING DATE:	27 th July 2012
TITLE:	Government Consultation on Standardised Packaging of Tobacco
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Equalities Impact Assessment	

1 THE ISSUE

The Department of Health has launched a consultation on whether standardised (plain) packaging of cigarettes and other tobacco products should be introduced in the UK¹. The consultation is open until 10th August 2012.

Due to increasing restrictions on tobacco advertising in recent years, tobacco packaging has become one of the tobacco industry's leading promotional tools. Research suggests that plain packaging would increase the impact of health warnings, reduce false and misleading messages that one type of cigarette is less harmful than another, and reduce the attractiveness of products to young people.

Australia will become the first country in the world to require all tobacco products to be sold in plain packaging, from December 2012. The UK government has committed to consulting on options to reduce the promotional impact of tobacco packaging, including plain packaging.²

2 RECOMMENDATION

The Wellbeing Policy, Development and Scrutiny Panel is asked to:

Inform the Government that it supports the introduction of standardised (plain) packaging for all tobacco products in the UK through a collective response to the consultation.

3 FINANCIAL IMPLICATIONS

There are no financial implications for the Council or the PCT in responding to the consultation. If the Government decide to legislate for standardised packaging of tobacco products there will be no financial implications at a local level as implementation will be at a national level

¹ Department of Health Consultation documents: http://consultations.dh.gov.uk/tobacco/standardised-packaging-of-tobacco-products/consult_view

² Action on Smoking and Health (ASH) 2011 Plain Packaging Briefing

Reducing the desirability and attractiveness of tobacco products to children is a key element of local and national Tobacco Control Strategy which aims to reduce the number of young people taking up smoking.

Whilst tax on tobacco contributes £10 billion annually to the Treasury, the true costs to society from smoking are far higher, at £13.74 billion.³ This cost is made up of the cost of treating smokers on the NHS (£2.7 billion) but also the loss in productivity from smoking breaks (£2.9 billion) and increased absenteeism (£2.5 billion); the cost of cleaning up cigarette butts (£342 million); the cost of fires (£507 million), and also the loss in economic output from the deaths of smokers (£4.1 billion) and exposure to second hand smoke (£713 million).

Each year in B&NES it is estimated that smoking costs society £39.9 million. Annually smokers in B&NES spend approximately £45.3 million on tobacco products, approximately £1,700 per smoker per year. This contributes roughly £34.5 million in duty to the exchequer leaving an estimated annual funding shortfall of £5.5million.⁴

4. THE REPORT

Every year, another 340,000 children and young people are tempted to try smoking⁵. Very few people start smoking as adults. Two thirds of smokers say they began before they were legally old enough to buy cigarettes and 9 out of 10 started before the age of 19 years. Nicotine addiction starts in adolescence.

Due to the death rates of current smokers and the ever growing number of ex-smokers who have successfully quit, the tobacco industry must find innovative ways of recruiting the next generation of smokers to replace those who quit or die. This means targeting young people to become the next generation of smokers, and subsequently the future generation of patients suffering diseases such as lung cancer, COPD and heart disease. 300 people die of smoking related diseases every year in B&NES⁶. Research from local secondary school pupils (Yr 8 and 10) tells us that 24% have tried smoking or are smoking now⁷. The highest rates of smoking nationally are amongst the 16 – 24 year olds (26%).

Smoking is becoming increasingly engrained in more disadvantaged communities, with 32% of people in routine and manual jobs in B&NES currently smoking and high levels of smoking in pregnancy amongst young women (35%) and women in lower socio economic groups.

Both further education colleges in B&NES have identified high rates of smoking amongst students. More girls in B&NES are smoking than boys. 12% of Year 10 boys and 21% of Year 10 girls said that they smoke 'occasionally' or 'regularly'. 33% of 11 – 15 year olds in B&NES say at least one person regularly smokes indoors in their home. This figure is lower than the national comparator (40%) but still represents a significant number exposed to second hand smoke and smoking behaviour.

³ Featherstone H & Nash R (2010) Cough Up; Balancing tobacco income and costs in society. Policy Exchange

⁴ <http://ash.org.uk/localtoolkit/R9-SW.html>

⁵ Department of Health 2011 Healthy Lives Healthy People; A Tobacco Control Plan for England

⁶ Local Authority Health Profiles; Bath & North East Somerset 2011 www.lho.org.uk

⁷ Schools Health Education Unit Secondary Schools Survey; B&NES 2011

In recent years the pack has become the most important marketing tool for the tobacco industry, known in the trade as the 'silent salesman'. The power of brands is well known to all parents, with young people heavily influenced by branding. Printing and pack technology has advanced considerably over recent years, leading to innovative new pack and cigarette designs which use colour, graphics and method of pack opening to appeal to different segments of the population. Examples will be shown at the meeting and include pastel colours and super-slim sticks to appeal to young women and girls, and slide packs featuring graphics that appeal more to men and boys, such as motorbikes and music equipment.

It is important to note that plain packs are not actually plain – they will have detailed text, graphics and health warnings, as well as covert security measures to reduce illicit trade. Plain packaging means internal and external colours will be prescribed, fonts and labelling will be the same on all packets. Standard shape and opening will be required and no advertising, promotion, logos or additional text will be permitted.

The Governments' consultation paper is accompanied by an independently conducted systematic review of the evidence base on [plain packaging](#)⁸. This review concludes that there is strong evidence to support the propositions set out in the WHO Framework Convention on Tobacco Control relating to the role of plain packaging in helping to reduce smoking rates; that is,

- I. that plain packaging would reduce the attractiveness and appeal of tobacco products;
- II. it would increase the noticeability and effectiveness of health warnings and messages, and
- III. it would reduce the use of design techniques that may mislead consumers about the harmfulness of tobacco products.

The Government has three policy options under consideration:

- Option 1: Do nothing (ie, maintain the status quo for tobacco packaging).
- Option 2: Require standardised tobacco packaging of cigarettes and hand rolling tobacco (HRT). In line with the approach set out in the consultation document, this could involve the standardisation of pack colour and shape and removal of all branding except brand name which would appear in a standardised typeface. Relevant legal markings such as health warnings and tax stamps would be retained as well as covert markings to reduce trade in illegal tobacco products.
- Option 3: A different approach to tobacco packaging to improve public health, if suggested by consultation responses. Options 1 and 2 are considered in this. The potential of Option 3 will be explored following consultation, if responses to the consultation suggest an alternative approach to reduce the promotional impact of tobacco packaging.

There are a number of counter arguments to plain packs put forward by the tobacco industry. Some of these relate to arguments about intellectual property and freedom of

⁸ University of Stirling (2011) Plain Tobacco Packaging: A Systematic Review
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trade, some of which are currently before the courts in Australia and are likely to go before the World Trade Organisation. Most legal opinion suggests that such arguments are unlikely to succeed, as public health interests can provide a justifiable reason for interfering in free markets. The other counter arguments and responses are summarised in the following paragraphs.

- ***Tobacco smuggling will increase because plain packs are easily counterfeited.***

There is no evidence that plain packaging will lead to an increase in the illicit trade in tobacco. Plain packs may not have the brand logos and colours, but they will still be required to have all the health warnings and other covert security markings – so they will actually be no easier to counterfeit.

- ***Plain packs will cause confusion and extra costs for small businesses.***

The main impact will be on reducing uptake amongst young people and not on current smokers. Which means sales will decline gradually and not overnight, allowing shops time to adapt. Research measuring over 5,000 'retail transactions' (the time shop staff take to find the right pack and hand it over), found that plain packs, if anything, reduced transaction times and selection errors.

- ***Tobacco is going to be put out of sight, so we don't need plain packs.***

Tobacco packaging will only be hidden in shops. Once outside, it will continue to work as the industry's 'silent salesman' advertising brands and promoting smoking to children.

- ***Isn't this going too far? Are other 'unhealthy' products going to be branded plain too?***

Tobacco is not like any other product. It is the only legal consumer product on the market which is lethal when used as the manufacturer intended. Plain packs for tobacco will not set a precedent for other consumer products.

Effective tobacco control can only be achieved through co-ordinated action at local, regional, national and international level. Regulation of tobacco products, taxation and restricting the promotion of tobacco are key strands in controlling demand. There is significant public support for tobacco control measures, with a recent national public opinion survey showing that 37% of people think the Government is not doing enough on tobacco policy and 37% thinking it's about right.⁹

From April 2013 local authorities will have responsibility for achieving the public health outcomes for smoking which include reducing smoking prevalence amongst 15 year olds, reducing smoking prevalence in adults (over 18's) and reducing smoking at time of delivery. In order to ensure smoking prevalence continues to decline locally a strategic multi agency approach is needed which ensures all elements of tobacco control are being addressed including:

- restricting supply of tobacco, including illicit tobacco and underage sales

⁹ ASH 2011 Tackling Tobacco; Public Opinion in the South West <http://ash.org.uk/localtoolkit/docs/R9-SW/PO-R9-SW.pdf>

- reducing exposure to second hand smoke – smoke free environments
- producing effective communications, education and social marketing to denormalise smoking
- helping people to quit

RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

5. EQUALITIES

An EqIA has been completed and some adverse or other significant issues were found. The full EqIA is attached.

The issues mirror those highlighted by the National Tobacco Policy team at the Department of Health who carried out an Equality Impact Assessment on the proposed policy objective of introducing plain packaging¹⁰. It is important to note the difficulty in fully scoping the impact of this policy development as it has not been implemented anywhere in the world to date. Australian policy will be implemented from December 2012. Possible adverse findings of the EqIA were;

Potential negative impact on small businesses due to a decrease in tobacco sales, with potential impact on equality in relation to ethnicity, where businesses are owned by minority ethnic groups.

Potential negative impact on those who cannot read or understand English, whether due to disability or race, if they can no longer recognise their usual brand of tobacco from name alone.

If the policy did increase availability of illicit tobacco in communities this is more likely to be in disadvantaged communities and could undermine the impact of price increases as a control measure.

The Department of Health EIA states that there is not enough evidence to say whether these impacts would arise or not and therefore they would need to be reconsidered following the consultation if the policy is developed further.

Positive impacts

A requirement for standardised packaging would be a universal intervention at population level, therefore it could improve health by deterring young people from starting smoking and supporting adults to quit. Additionally a benefit would be the reduction in exposure to second hand smoke from reduced rates of smoking, which would protect the population as a whole but children in particular as they are more vulnerable to the impacts of second hand smoke.

If overall smoking prevalence is reduced across all social groups this policy will help to narrow inequalities, due to smoking being more prevalent in disadvantaged groups and those with mental health conditions.

¹⁰ Department of Health. Consultation on Standardised packaging of tobacco products. Equality Impact Assessment (April 2012)
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Evidence shows that plain packaging is less appealing to young people and to females in particular. More girls smoke than boys therefore it may contribute to narrowing the gap in smoking rates amongst girls and boys.

Department of Health state that depending on the evidence received through the consultation, further specific consultation with stake holder groups may be needed.

6. CONSULTATION

Cabinet Member; Overview & Scrutiny Panel; Other B&NES Services; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Monitoring Officer

The proposal for Plain Packaging has been supported by the B&NES Tobacco Action Network, B&NES Clinical Commissioning Group and B&NES Children's Trust Board.

Two road-shows were run in April/May 2012 in Bath City Centre to raise awareness amongst the public of the consultation.

To date over 500 people in B&NES have signed up to support Plain Packaging through the Plain Packs Protect website www.plainpacksprotect.org.uk

7. ISSUES TO CONSIDER IN REACHING THE DECISION

Social Inclusion; Children & Young People;

The implementation of this strategy is relevant to social inclusion, young people, vulnerable people and vulnerable families and addressing health inequalities.

8. ADVICE SOUGHT

The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director – Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>none</i>
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