



Plain Packaging – International Overview

Canadian Cancer Society
May 19, 2016

Plain packaging would prohibit brand colours, logos and graphics on tobacco packages, thus eliminating the package as mini-billboards that promote tobacco. Required health warnings would appear on packages, but the branded part of the package would have a standard colour for all brands, such as the drab brown required in Australia (see images on page 3). Package dimensions would be standardized, thus eliminating Slims and Superslims packs targeting women.

Plain packaging would (1) eliminate promotional aspects of packaging; (2) curb deceptive messages conveyed through packaging; (3) enhance the effectiveness of health warnings; (4) reduce tobacco use. Plain packaging would build on existing packaging regulation that requires health warnings, that requires toxic emission messages on package sides, and that prohibits misleading descriptors “light” and “mild”.¹

International developments

Summary: Plain packaging was implemented in Australia in 2012, has been adopted in France and the United Kingdom for implementation May 20, 2016, has been adopted in Ireland awaiting commencement date, and is under formal consideration in Norway, Hungary, Slovenia, Sweden, Finland, Canada, New Zealand, Singapore, Belgium, and South Africa.

Australia – Plain packaging legislation adopted Dec. 1, 2011 and fully implemented Dec. 1, 2012.² Constitutional challenge dismissed by High Court of Australia Aug. 15, 2012.³ A Philip Morris legal claim under bilateral Hong Kong-Australia investment agreement dismissed, as announced Dec. 18, 2015.⁴

United Kingdom – Plain packaging regulations approved March 16, 2015,⁵ to come into force May 20, 2016, applying to England, Wales⁶ Northern Ireland⁷ and Scotland.⁸ On May 19, 2016, a tobacco industry legal challenge was dismissed.⁹

France – Plain packaging legislation adopted December 17, 2015, to come into force May 20, 2016.¹⁰ This legislation was upheld on Jan. 21, 2016 as constitutional by France’s Constitutional Council.¹¹ On July 20, 2015, France hosted a 10-country ministerial meeting on plain packaging.¹²

Ireland – Plain packaging legislation enacted March 10, 2015, awaiting commencement date intended for May 20, 2016.¹³

Norway – Government plain packaging consultation began March 17, 2015, and ended June 9, 2015.¹⁴ On May 5, 2015, Norway provided notification for draft amendments for plain packaging.¹⁵

Hungary – On June 25, 2015, Minister Overseeing the Office of the Prime Minister stated Hungary was planning to implement plain packaging.¹⁶ On September 21, 2015, Hungary provided notification of a draft Decree that included plain packaging.¹⁷

Slovenia – On March 16, 2016, Slovenia provided notification for draft plain packaging legislation.¹⁸

Singapore – On Dec. 29, 2015, Singapore launched a public consultation on plain packaging ending March 29, 2016.¹⁹

Canada – New Government elected Oct. 19, 2015 committed in electoral platform to implement plain packaging.²⁰ On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority”.²¹

New Zealand – Government Bill introduced Dec. 17, 2013, first reading Feb. 11, 2014,²² approved by Health Committee Aug. 5, 2014.²³ The bill continues in Parliament following Sept. 20, 2014 election.²⁴ On Feb. 15, 2016, Prime Minister John Key stated that the bill would proceed “sooner rather than later.”²⁵

Belgium – Public Health Minister announced April 9, 2016 that Belgium to have plain packaging by 2019.²⁶

Sweden – Health Minister announced, on February 18, 2015, that a Committee examining implementation of the new EU Tobacco Products Directive would consider plain packaging.²⁷

Finland – Government national action plan (June 2014) includes plain packaging as planned measure.²⁸

South Africa – Health Minister stated July 24, 2014 that he wants to implement plain packaging,²⁹ and stated March 18, 2015 that legislation will be introduced in Parliament to implement plain packaging.³⁰

European Union – new *Tobacco Products Directive* adopted April 3, 2014 explicitly states that 28 EU countries have the option of implementing plain packaging,³¹ a provision upheld on May 4, 2016 by the European Court of Justice as valid when dismissing a tobacco industry legal challenge.³²

WHO Framework Convention on Tobacco Control (FCTC)

Guidelines under the FCTC, the international tobacco control treaty, recommend that governments consider implementing plain packaging.³³ The FCTC has been widely ratified by countries, with 180 Parties to the FCTC.³⁴

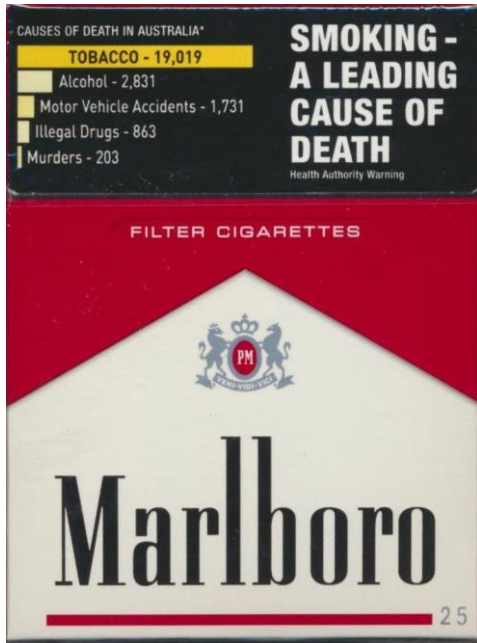
Evidence supports plain packaging

- There is compelling evidence, including extensive studies, supporting implementation of plain packaging. An updated March 2014 evidentiary overview, reviewing 75 empirical studies, was prepared by University of Waterloo Professor David Hammond for the Irish Government.³⁵ In the United Kingdom, the Chantler Review (2014)³⁶ and the Stirling Review (2011)³⁷ provide extensive evidence. A special issue of the journal *Tobacco Control* was published in April 2015 with a series of studies on the Australian experience, providing yet further evidence.³⁸ A Post-Implementation Review by the Australian Health Department, released February 2016, concluded that “plain packaging is achieving its aim of improving public health in Australia and is expected to have substantial public health outcomes into the future.”³⁹ Fact sheets on the Australian experience to date are available (Cancer Council Victoria, October 2015 to March 2016).⁴⁰
- If plain packaging would not work to reduce smoking, then why is the industry so strongly opposed?

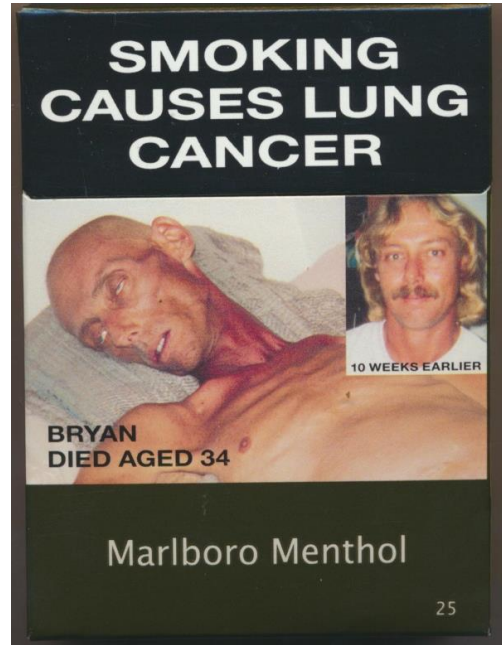
The Canadian situation

- New national government elected October 19, 2015 committed in electoral platform to implement plain packaging.⁴¹ On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority”.⁴²
- Plain packaging could be required by regulation under the federal *Tobacco Act*.⁴³
- Plain packaging was recommended in 1994 by the House of Commons Standing Committee on Health.⁴⁴

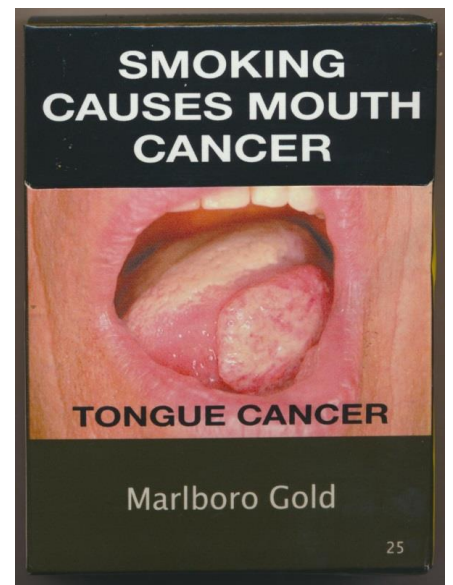
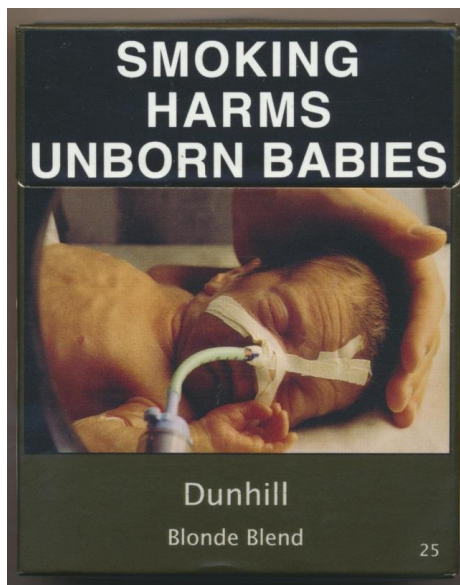
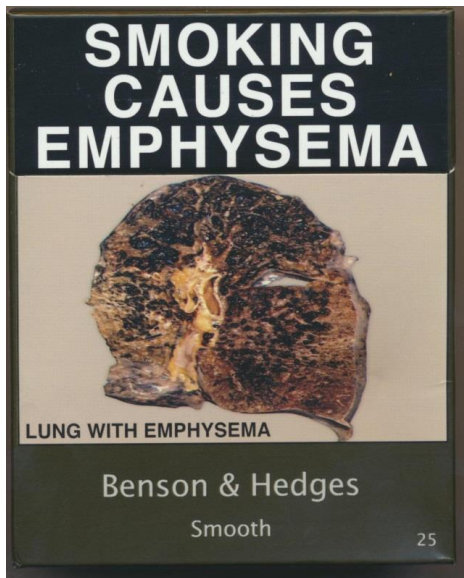
Examples of Plain Packaging from Australia



Before



After



Packages of Benson & Hedges, Dunhill and Marlboro cigarettes in plain packages from Australia

Endnotes

¹ For an international overview of package health warnings, see: Canadian Cancer Society, *Cigarette Package Health Warnings: International Status Report*, Fourth Edition, September 2014.

English:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/CCS-international-package-warnings-report-2014-ENG.pdf>

French:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/SCC-rapport-international-mises-en-garde-2014-FR.pdf>

Arabic, Chinese, Portuguese, Russian, Spanish:

http://global.tobaccofreekids.org/en/solutions/international_issues/warning_labels/

Canadian regulations concerning packaging and labelling are as follows:

Tobacco Products Labelling Regulations (Cigarettes and Little Cigars), SOR/2011-177.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-177/latest/sor-2011-177.html>

Tobacco Products Information Regulations, SOR/2000-272.

<http://www.canlii.org/en/ca/laws/regu/sor-2000-272/latest/sor-2000-272.html>

Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms), SOR/2011-178.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-178/latest/sor-2011-178.html>

² *Tobacco Plain Packaging Act 2011*, No. 148, 2011. <http://www.comlaw.gov.au/Details/C2011A00148>

Trade Marks Amendment (Tobacco Plain Packaging) Act 2011, No. 149, 2011.

<http://www.comlaw.gov.au/Details/C2011A00149>

Tobacco Plain Packaging Regulations 2011, Select Legislative Instrument 2011 No. 263 as amended.

<http://www.tobaccocontrolaws.org/files/live/Australia/Australia%20-%20PP%20Regs%20-%20national.pdf>

³ *JT International SA v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

<http://www.austlii.edu.au/au/cases/cth/HCA/2012/43.html>

⁴ The text of the decision was not immediately published. See Cancer Council Victoria, “Australia successfully defends plain packaging against Philip Morris legal challenge” Dec. 18, 2015 (news release).

<http://www.cancervic.org.au/about/media-releases/2015-media-releases/december-2015/australia-successfully-defends-plain-packaging.html>

⁵ Enabling legislation approved by Parliament March 13, 2014: *Children and Families Act 2014*, 2014 no. 6, section 94. http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

The Standardised Packaging of Tobacco Products Regulations 2015, laid before Parliament Feb. 23,

2015, approved by House of Commons March 11, 2015, and approved by House of Lords March 16,

2015. http://www.legislation.gov.uk/ukdsi/2015/9780111129876/pdfs/ukdsi_9780111129876_en.pdf

⁶ Welsh Government, “Health Minister gives go-ahead for standardised packaging for cigarettes to be introduced in Wales” (news release) January 29, 2015.

<http://wales.gov.uk/newsroom/healthandsocialcare/2015/packaging/?lang=en>

⁷ Northern Ireland Department of Health, Social Services and Public Safety, “Standardised Packaging for Tobacco Products to be Introduced in Northern Ireland” (press release) February 2, 2015.

<http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dhssps/news-dhssps-020215-standardised-packaging-for.htm>

⁸ Scottish Government, “Plain tobacco packaging” (news release) January 22, 2015.

<http://news.scotland.gov.uk/News/Plain-tobacco-packaging-14da.aspx>

⁹ *British American Tobacco & others v Department of Health*, [2016] EWHC 1169 (Admin), England and Wales High Court of Justice, Queen’s Bench Division, Administrative Court, May 19, 2016.

Summary: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-summary.pdf>

Full judgment: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-judgment.pdf>

¹⁰ Bill relating to health, no. 2302, deposited October 15, 2014; amendment AS1408 on plain packaging approved by National Assembly Social Affairs Committee, March 18, 2015, final approval by Parliament December 17, 2015. For the bill, see (the health bill contains measures beyond tobacco control):

<http://www.assemblee-nationale.fr/14/ta/ta0650.asp>

Décret no 2016-334 du 21 mars 2016 relatif au paquet neutre des cigarettes et de certains produits du tabac, NOR : AFSP1603141D [Decree no 2016-334 of 21 March 2016 relating to plain packaging of cigarettes and of certain tobacco products]

<https://www.legifrance.gouv.fr/jopdf.do?id=JORFTEXT000032276104>

Arrêté du 21 mars 2016 relatif aux conditions de neutralité et d'uniformisation des conditionnements et du papier des cigarettes et du tabac à rouler, NOR : AFSP1607269A [Decision of 21 March 2015 relating to conditions of plain and standardized packaging and cigarette paper and rolling tobacco]

https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000032276123

The French Government had announced Sept. 25, 2014 that it would implement plain packaging. Government of France, “Programme national de réduction du tabagisme” Dossier de presse, Sept. 25, 2014 (French).

http://www.sante.gouv.fr/IMG/pdf/250914_-_Dossier_de_Presse_-_PNRT_2_.pdf

Speech by French Health Minister Marisol Touraine, September 25, 2014 (French):

http://www.sante.gouv.fr/IMG/pdf/250914_-_Discours_Marisol_Touraine_-_PNRT.pdf

¹¹ Constitutional Council [France], Loi de modernisation de notre système de santé [Law to modernize our health system], Decision n° 2015-727 DC of 21 January 2016.

<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2015-727-dc/decision-n-2015-727-dc-du-21-janvier-2016.146887.html>

¹² First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, Press statement.

http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PS_-_Plain_Packaging_Meeting.pdf

“Plain packaging of tobacco products: a worldwide movement to address a global challenge” Press kit, First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, p.7.

http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PK_-_Plain_Packaging_Meeting.pdf

¹³ *Public Health (Standardised Packaging of Tobacco) Bill* 2014, Bill Number 54 of 2014, introduced in the Seanad (Senate) June 11, 2014, approved by Senate June 25, 2014, approved with amendments by Dail (lower house) Feb. 26, 2015, bill as amended approved by Seanad March 3, 2015. The bill was signed by the President March 10, 2010. Some Ministerial regulations/orders are still needed, such as to specify the base colour of packages.

<http://www.oireachtas.ie/viewdoc.asp?DocID=26331&&CatID=59>

On Nov. 20, 2015, Ireland gave notification to the European Commission of draft *Public Health (Standardised Packaging of Tobacco) Regulations 2016*.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=650>

¹⁴ Norwegian Ministry of Health and Care Services, “Norway consults on standardised tobacco packaging and FCTC Article 5.3” (press release) March 17, 2015.

<https://www.regjeringen.no/en/aktuelt/norway-consults-on-standardised-tobacco-packaging-and-fctc-article-5.3/id2401001/>

Consultation documents (Norwegian):

<https://www.regjeringen.no/nb/dokumenter/horing-av-forslag-til-innforing-av-standardiserte-tobakkspakninger-og-gjennomforing-av-tobakkskonvensjonen-artikkel-5.3-i-norge/id2401022/>

¹⁵ Draft amendments to Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (Standardised packaging) and draft amendment to Regulations no 141 of 6 February 2003 on the contents and labelling of Tobacco products. Notification provided to European Commission May 5, 2015. Norway is not a member of the EU, but is a member of the European Free Trade Association.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=9009>

¹⁶ Benjamin Novak, “János Lázár: Philip Morris is attacking Hungary!” Budapest Beacon, June 26, 2015.

<http://budapestbeacon.com/politics/janos-lazar-phillip-morris-is-attacking-hungary/24716>

“Plain packaging of tobacco products: a worldwide movement to address a global challenge” Press kit, First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, p.7.

[http://www.social-sante.gouv.fr/IMG/pdf/150720 - PK - Plain Packaging Meeting.pdf](http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PK_-_Plain_Packaging_Meeting.pdf)

European Public Health Association, “Open letter congratulating Hungarian Minister of Health on plain packaging” August 4, 2015 <http://www.ephpa.org/a/6408>

¹⁷Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine (the 'Implementation Decree')” (Draft), notified to European Commission September 21, 2015. (Available in English and other languages.) The draft Decree also includes implementation of many of the provisions in the new EU Directive.

<http://ec.europa.eu/growth/tools-databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=529&mLang=EN>

¹⁸ Draft Act restricting the use of tobacco and related products. Notification provided to the European Commission on May 26, 2016. Slovenia is a member of the European Union.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2016&num=135>

¹⁹ The Dec. 29, 2015 Singapore Health Promotion Board announcement of the consultation can be seen here:

[http://www.hpb.gov.sg/HOPPortal/content/conn/HOPUCM/path/Contribution%20Folders/uploadedFiles/HPB Online/News and Events/News/2015/PublicConsult.pdf](http://www.hpb.gov.sg/HOPPortal/content/conn/HOPUCM/path/Contribution%20Folders/uploadedFiles/HPB%20Online/News%20and%20Events/News/2015/PublicConsult.pdf)

The Singapore Government had previously announced that it would initiate a consultation by the end of 2015; see Parliamentary Secretary to the Minister of Health, statement in Singapore Parliament, March 12, 2015: <http://sprs.parl.gov.sg/search/report.jsp?currentPubID=00007492-WA>

²⁰ In the Oct. 19, 2015 election, the Liberal party (which won a majority) included plain packaging in its electoral platform (p.21): <https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf>

²¹ Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). <http://pm.gc.ca/eng/minister-health-mandate-letter>

²² *Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill*, Bill 186-1, first reading Feb. 11, 2014.

http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12969_1/smoke-free-environments-tobacco-plain-packaging-amendment

²³ New Zealand Parliament Health Committee, Report, August 5, 2014.

http://www.parliament.nz/resource/en-nz/50DBSCH_SCR57000_1/3b7b2a74d0e52515fe202f3cdfaac3c15fd156d4

²⁴ The New Zealand bill continues and is renumbered as Bill 186-2 following Sept. 20, 2014 national election.

<http://www.legislation.govt.nz/bill/government/2013/0186/latest/DLM5821008.html?src=qs>

²⁵ Stacey Kirk, “Tobacco plain packaging likely to be law by end of year - John Key”, stuff.co.nz, Feb. 15, 2016.

<http://www.stuff.co.nz/national/politics/76917027/tobacco-plain-packaging-likely-to-be-law-by-end-of-year--john-key>

²⁶Ministre des affaires sociales et santé publique, « Plan anti-tabac avec interdiction de fumer en voiture en présence d’enfants et augmentation des accises » 9 avril 2016 (communiqué). [Minister of Social Affairs and Public Health, “Anti-tobacco plan with smoking ban in vehicles with children and excise increases” April 9, 2016 (news release).

<http://www.maggiedeblock.be/2016/04/09/anti-rook-beleidsplan-met-rookverbod-in-wagen-met-kinderen-en-accijnsverhoging/>

²⁷ Radio Sweden, “A smoke-free Sweden by 2025?” February 18, 2015, includes audio of interview with Minister of Public Health Gabriel Wikström.

<http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6096581>

²⁸ Finland Ministry of Social Affairs and Health, “Roadmap to a Tobacco-Free Finland: Action Plan on Tobacco Control” 2014 (published June 27, 2014).

<http://www.stm.fi/en/publications/publication/-/julkaisu/1886404#en>

²⁹ Wendell Roelf, “S.Africa plans plain cigarette packaging by 2015 – minister” Reuters, July 24, 2014.

<http://in.reuters.com/article/2014/07/24/safrica-tobacco-idINL6N0PZ4FZ20140724>

³⁰ The Minister of Health made this statement at the 16th World conference on Tobacco or Health held in Abu Dhabi, United Arab Emirates, March 18, 2015. https://www.youtube.com/watch?v=4z9EHS_LehE

³¹ *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, Article 24(2).

http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf

. 23, 2015, the Advocate General of the European Court of Justice released an opinion concluding that the EU Directive was valid, including the option to implement plain packaging. This opinion, which is preliminary to a decision of the European Court of Justice, was in response to a legal challenge from the tobacco industry.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxiLc3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911>

³² *Philip Morris Brands and Others*, European Court of Justice, May 4, 2016, Case C-547-14.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5b4ac128357df4fc8b24389847d7897f5.e34KaxiLc3qMb40Rch0SaxuTa350?text=&docid=177724&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=185180>

³³ Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products), paragraph 46.

http://www.who.int/fctc/guidelines/article_11.pdf?ua=1

Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship), paragraphs 15-17. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

³⁴ For a list of Parties, see: http://www.who.int/fctc/signatories_parties/en/

³⁵ David Hammond, “Standardised Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health” March 2014.

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

³⁶ Sir Cyril Chantler, “Standardised Packaging of Tobacco: Report of the independent review undertaken by Sir Cyril Chantler” April 2014.

<http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>

³⁷ C. Moodie, M. Stead, L. Baulda, A. McNeill, K. Angusa, K. Hinds, I. Kwan, J. Thomas, G. Hastings and A. O’Mara-Eves, “Plain tobacco packaging: a systematic review”, 2011, University of Stirling: Stirling, Scotland, United Kingdom http://phrc.lshtm.ac.uk/papers/PHRC_006_Final_Report.pdf

³⁸ *Tobacco Control*, April 2015, Volume 24, Number Supplement 2

http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc

³⁹ Australian Department of Health, “Post-Implementation Review Tobacco Plain Packaging 2016” released February 26, 2016.

<https://ris.govspace.gov.au/2016/02/26/tobacco-plain-packaging/>

⁴⁰ Cancer Council Victoria, five fact sheets, with most recent updates October 2015 to March 2016, depending on fact sheet. <https://www.cancervic.org.au/plainfacts/browse.asp?ContainerID=factsheets1> See also Quit Victoria, Cancer Council Victoria, “Plain packaging of tobacco products: a review of the evidence” August 12, 2011.

https://www.cancervic.org.au/downloads/mini_sites/Plain-facts/TCUCCVEvOverview_FINALAUG122011.pdf

⁴¹ In the Oct. 19, 2015 election, the Liberal Party (which won a majority) included plain packaging in its platform (p.21): <https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf>

⁴² Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). <http://pm.gc.ca/eng/minister-health-mandate-letter>

⁴³ *Tobacco Act*, Statutes of Canada 1997, chapter 13, sections 23, 33.

<http://www.canlii.org/en/ca/laws/stat/sc-1997-c-13/latest/sc-1997-c-13.html>

⁴⁴ House of Commons Standing Committee on Health, “Towards Zero Consumption: Generic Packaging of Tobacco Products” Report of the House of Commons Standing Committee on Health, 1994.