

# APPG on Smoking & Health Political Bulletin

## 2012: A momentous year in tobacco policy

Last year saw the publication of the Government's Tobacco Plan, setting strong ambitions to reduce smoking prevalence. In December, the Australian Government became the first in the world to pass legislation requiring plain packaging of tobacco products.

This year promises to be equally significant. In March, the Department of Health will launch a campaign to highlight the dangers of secondhand smoke in the home and the car. The recent APPG Inquiry recommended that this campaign be followed by a public consultation on all the policy options, including legislation. We are waiting for a response from the Secretary of State to our proposals, but the Northern Ireland Executive recently announced that it will be launching its own consultation this spring. I was pleased to receive a letter from their Health Minister thanking us for our report which he is using to develop the consultation document and future policy.

In spring 2012 the UK Government will launch its consultation on plain packaging of tobacco products. Plain packaging would put the UK at the forefront of tobacco policy and would protect children from the glitzy packaging that has become so common since other forms of advertising have been banned.

Australia's new tobacco law comes into force at the end of 2012. Experience there shows how far the tobacco industry will go to protect its "silent salesman". Manufacturers in Australia spent millions of pounds on election-time TV ads, equipping front groups with bogus arguments about smuggling to try to obstruct the new law and provoking the Director-General of the WHO to denounce the industry's dirty tricks.

Make no mistake - we are already seeing similar tactics in the UK, which is why the officers of the APPG wrote to the Secretary of State for Health, asking him to ensure total transparency during the consultation.

**Stephen Williams MP, Chair,  
APPG on Smoking & Health**

**NO SMOKING DAY**  
**WEDNESDAY 14 MARCH**  
Take the leap.co.uk



**No Smoking Day** is one of the UK's longest-running and most successful public health campaigns. Every year three quarters of a million people make a quit attempt on No Smoking Day.

No Smoking Day was under threat last year, as its Department of Health grant was coming to an end. The future of the charity has now been secured by a merger with the British Heart Foundation.

No Smoking Day 2012 takes place on **Wednesday 14 March**. See [www.nosmokingday.org.uk](http://www.nosmokingday.org.uk) for details.

### Other Stories

Big tobacco and smuggling	2
Smoking in private vehicles	2
The tobacco industry's top 40 target MPs	3
Plain packs	4

# Big Tobacco and smuggling

*Big tobacco has fought plain packaging claiming that it would increase smuggling but it is manufacturers themselves – not packaging – that continue to be implicated in the illicit trade.*

Tobacco manufacturers routinely claim that plain packs will be easier to counterfeit. In fact covert markings are already required to identify counterfeit packs in the UK because the packs are already very easy to counterfeit, and plain packaging would make no difference.

The industry also argues that smuggling is a growing problem, whereas in fact, the market share of illicit cigarettes has **halved** over the last decade. HM Revenue and Customs figures show that the size of the smuggled market has fallen year on year from a 21% market share in 2000 to only 10% by 2009-10. The fall was as a result of a tough anti-smuggling strategy which required the tobacco industry to control its supply chain and prevent cigarettes from being diverted to the smuggled market.

The tobacco industry would like MPs to forget its record of complicity in the illegal market. The increase in smuggling during the 1990s was due to a vast expansion in British cigarettes being exported to countries where there was no market for them, destined to be smuggled straight back to the UK.

*"How can you possibly have sold cigarettes to Latvia, Kaliningrad, Afghanistan and Moldova in the expectation that those were just going to be used by the indigenous population ... and not in the expectation they would be smuggled? You must know ... these are places which are linked to organised crime." **George Osborne MP, Public Accounts Committee, 2002***

Following legal action by the EU, the major international tobacco manufacturers have now signed legally binding agreements to control smuggling. However, a major investigation by the Organized Crime and Corruption Reporting Project (OCCRP) has revealed that Japan Tobacco International (JTI) allowed its products to be diverted to the illicit market and sacked its own investigators when they tried to stop the illicit trade. JTI now owns Gallaher which accounts for 40% of the UK tobacco market and during 2011 targeted UK MPs with offers of hospitality at test matches and the Chelsea Flower Show. Any MPs meeting with JTI should take the opportunity to ask questions about their involvement with the illicit trade.

Illicit tobacco undermines government policies to reduce smoking prevalence and uptake by young people and can widen health inequalities by providing easy access to cheap tobacco for those on low incomes. The solution is the tough cross-government anti-smuggling strategy put in place by the previous government and sustained by the Coalition, backed up by campaigns like that undertaken in the North of England and the South West, working with partners across the region to raise public awareness and share intelligence about illicit activity.

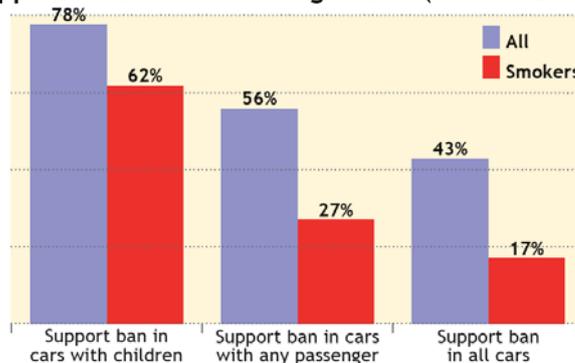
# Smoking and private cars

*In advance of the second reading of Alex Cunningham's Smoking in Private Vehicles Bill, the APPG held an Inquiry into smoking in private vehicles, to provide the best available evidence to inform the debate.*

On 1 November 2011, ten members of the APPG heard evidence from leading academics, including Professor Geoffrey Fong, who flew over from Canada to give evidence. The evidence presented was compelling. For several members "the killer fact" was that one cigarette smoked in a car during a typical thirty minute journey with the windows closed leads to levels of secondhand smoke seven times those of the smoky bars that existed prior to smokefree legislation coming into force.

For laws to be effective they have to be generally accepted and enforceable. The APPG heard evidence that popular support already exists for laws to prohibit smoking in cars carrying children.

Support for bans on smoking in cars (YouGov 2011)



However, the evidence was also clear that legislation only covering children would not ensure the protection of many vulnerable adults and would not be as easy to enforce as a wider ban.

The Government will launch a marketing campaign during spring 2012 to encourage smokers to make their cars and homes smokefree. This is a welcome move and demonstrates the Government's clear commitment to deliver on the ambitions set out in the Tobacco Plan for England.

Yet it is clear from the evidence heard by the Inquiry that one campaign is unlikely to have a significant long-term impact. The APPG report recommends that following the mass media campaign, the Department of Health should conduct a public consultation on the policy options available to reduce the harm from smoking in private vehicles. Many smokers still need to be convinced of the need to keep their vehicles smokefree and there is scope to build acceptability for legislative change through wider public debate.

This consultation should include a systematic review of the evidence and consider legislative as well as non-legislative options. The APPG Inquiry report is available in the House of Commons and House of Lords libraries and can be downloaded from: [www.ash.org.uk/appg](http://www.ash.org.uk/appg).

# The Tobacco Industry's top 40 target MPs

*In the last bulletin I wrote about how British American Tobacco had been forced to admit to me that it funded the National Federation of Retail Newsagents (NFRN) campaign against the point of sale display ban. The retailers' campaign failed and the legislation is going ahead but the evidence of how the industry is using front groups to lobby MPs keeps piling up.*

Perhaps your local paper has run a story recently on how tobacco smuggling is hurting small retailers and how plain packaging will make it worse? If so, there is a good chance the story was placed there by one of the world's largest tobacco companies. PR people from Philip Morris International (PMI) have been busy with the next big campaign – to undermine the Government's consultation on plain packaging, using the same tactics as were used on the point of sale legislation.

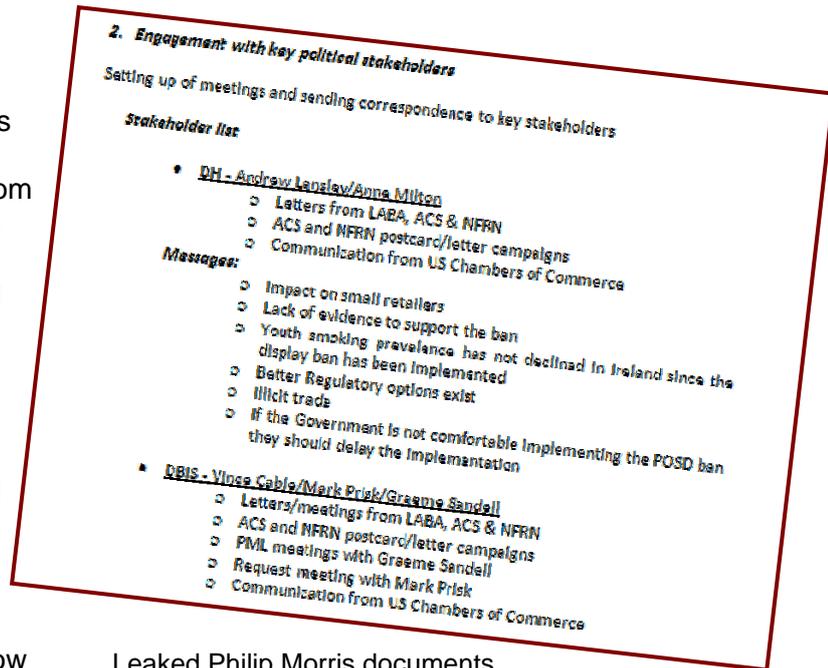
In Australia, where "plain packaging" has already passed into law, the tobacco manufacturers have responded with scare stories, threats of litigation and vexatious Freedom of Information requests, all to, as the industry puts it, "throw sand in the gears" of regulatory reform.

Fresh leaks from an industry insider show in detail how the manufacturers are using groups in the UK such as the NFRN as message carriers to target 40 key back benchers and Ministers and key Government advisers. Andy Coulson and Steve Hilton might not be taken aback to have industry lobbyists knocking at their door but with her record on tobacco policy, Diane Abbott was more than a little surprised to find herself also on PMI's list. Another document sets out which front group is to target which MP and what messages they are expected to deliver. If you want to know if you are on the list see [smokingate.com](http://smokingate.com) which has it in full.

The Director-General of the World Health Organization, Margaret Chan, has attacked the dirty tricks and "scare tactics" the tobacco industry has used to subvert national laws and international conventions aimed at curbing the harm caused by tobacco. In particular she highlighted the campaign against the Australian government's plan to introduce plain packaging. She warned that Big Tobacco *"money can speak louder than any moral, ethical or public health argument and can trample even the most damning scientific evidence."*

The UK has clear legal obligations as a signatory to the World Health Organization WHO Framework Convention on Tobacco Control (FCTC). Article 5.3 of the FCTC requires that *"in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law"*.

Without any apparent irony, Philip Morris call this exercise in obfuscation "Project Clarity". With the UK consultation on plain packaging due to take place shortly, it is essential that lobbying firms like Hume



Leaked Philip Morris documents illustrate use of front groups to target ministers  
[www.smokingate.com](http://www.smokingate.com)

***"money can speak louder than any moral, ethical or public health argument and can trample even the most damning scientific evidence."***

Margaret Chan Director-General of the World Health Organization

Brophy and Gardant and organisations like the NFRN are fully transparent about any tobacco industry involvement in their lobbying activity on the issue.

Bad enough that MPs are bombarded with unsolicited briefings, which often make no mention that the tobacco manufacturers are behind them. But how much worse, as revealed in the Observer, that Conservative frontbench health spokesman, Earl Howe, should actively seek out PMI's advice on plain packaging. Those parliamentarians who feel they need briefing by the tobacco industry must recognise that it is essential that they are transparent about any such links.

The Officers of the APPG believe that MPs should be informed of names of organisations campaigning on this issue and receiving tobacco industry funding so we can take this into account. That is why we wrote to the Prime Minister and other members of the Cabinet last month calling for a statutory register of lobbyists requiring them to disclose their clients including any links with the tobacco industry.

**Rt Hon Kevin Barron MP**

# Fact not Fiction:

## The truth behind tobacco industry myths about plain packaging

In December 2012 the Australian government will become the first in the world to require tobacco products to be sold in plain packaging. The UK Government has committed to a consultation in spring this year on requiring generic packaging of tobacco products. Parliamentarians should prepare themselves for a barrage of misinformation from the tobacco lobby. Below are some of the arguments they are likely to use, together with the true facts. A fuller briefing including all the references is available at [www.sfac.org.uk](http://www.sfac.org.uk).

**Myth #1:** *There is no evidence plain packs will work*

**FACT: A large body of evidence shows that plain packaging would be effective.**

Peer reviewed studies consistently show that plain packs are:

- **Less attractive, especially to young people**
- **Strengthen the impact of health warnings**
- **Make the packs less misleading**

**Myth #2:** *Tobacco smuggling will increase because plain packs are easily counterfeited*

**FACT: Existing packs are no**

**obstacle to counterfeiting.** There is no evidence that plain packaging will lead to an increase in the illicit trade. Tobacco packs are already easily counterfeited which is why the industry put covert markings on all tobacco packs. Plain packs may not have tobacco brand logos and colours but will retain the health warnings and other markings; so they will be no easier to counterfeit.

**Myth #3:** *Plain packs will cause confusion and extra costs for small businesses*

**FACT: It's no more difficult selling plain packs than branded packs.** Industry claims that it would take 45 seconds longer per sale are based on a survey of just six tobacco retailers. Objective research measuring over 5,000 transactions found that plain packs if anything reduced transaction times and selection errors.



**Myth #4:** *There is no public support for plain packs*

**FACT: Eight out of ten** people would support plain packaging if there was evidence that plain packs are less attractive to children than branded packs.

**Myth #5:** *Plain packaging will breach intellectual property rights leading to compensation claims*

**FACT: The use of tobacco trademarks is already limited by law.**

All plain packaging does is limit the use of tobacco company trademarks. International trade agreements do not create a right to use trademarks, and allow governments to implement measures to protect public health. The government will not be acquiring trademarks or other property from the companies so compensation will not be due.

**Myth #6:** *Tobacco is going to be put out of sight so we don't need plain packs*

**FACT: The legislation will remove in-store tobacco displays,**

but once purchased packs continue to work as the industry's 'silent salesman', advertising brands and promoting smoking to children. Tobacco packs have been described as 'badge products' that become 'mobile advertising for the brand'.

**Myth #7:** *It may be tobacco today but other consumer products will follow*

**FACT: Tobacco is not like any other product,** it is the only legal product on the market which is lethal when used as intended. The UK and over 170 other governments have signed up to the WHO Framework Convention on Tobacco Control which places legal obligations on governments to regulate tobacco products. Plain packs for tobacco would not set a precedent for other products.

### APPG on Smoking and Health and APPG on Heart Disease

#### Joint meeting on plain packaging of tobacco products

Wednesday 18<sup>th</sup> January, 3.00 to 4.00 pm, Room C, 1 Parliament Street.

The meeting will include a photo opportunity with a sample plain pack.

#### Officers of the group:

**Chair:** Stephen Williams MP (Liberal Democrat)

**Secretary:** Bob Blackman MP (Conservative)

**Vice Chairs:** Kevin Barron MP (Labour)  
Baroness Finlay (Cross Bench)  
Baroness O'Cathain OBE (Conservative)  
Lord Patel (Cross Bench)  
Lord Rennard MBE (Liberal Democrat)  
John Robertson MP (Labour)

The All Party Parliamentary Group (APPG) on Smoking and Health is a cross-party group of Peers and MPs which was founded in 1976

**"To monitor and discuss the health and social effects of smoking; to review potential changes in existing legislation to reduce levels of smoking; to assess the latest medical techniques to assist in smoking cessation; and to act as a resource for the group's members on all issues relating to smoking and public health."**

ASH provides the secretariat for the APPG and funded the printing of this publication.  
[www.ash.org.uk/APPG](http://www.ash.org.uk/APPG) E: [appg@ash.org.uk](mailto:appg@ash.org.uk) T: 020 7739 5902