

Standardised packs protect children and support quitting

By May 2017 glitzy packaging will have disappeared



Action on Smoking and Health

Introduction

The most significant development in tobacco control this year was the entering into force of the standardised tobacco packaging legislation – the culmination of campaigning work initiated by ASH a decade ago and a key policy recommendation of our 2008 'Beyond Smoking Kills' advocacy report. The campaign was won despite initial Government caution and fierce opposition from the tobacco industry. The measure puts a stop to the last vestiges of on-pack tobacco promotion.

The Public Health Minister Jane Ellison, who oversaw the introduction of the legislation, was given a well-deserved award by the WHO in recognition of her political leadership. As expected the industry launched a legal challenge to the legislation, and ASH was granted permission to intervene in support. The court judgement the day before the legislation was implemented in May was a humiliating defeat for the tobacco industry.

Whilst the standard packs legislation was the main focus of attention, the revised EU Tobacco Products Directive implemented a range of new regulatory measures including prohibition of flavourings in cigarettes and enlarged, mandatory picture warnings on all cigarette packs across all 28 Member States. In addition this pan-European policy requires sophisticated tracking and tracing systems to detect and help eliminate the illicit trade in tobacco to be put in place by May 2019. ASH worked in collaboration with the Smoke Free Partnership in Brussels to support implementation of a strong and comprehensive directive.

ASH has also played a key role in supporting implementation of the WHO Framework Convention on Tobacco Control (FCTC), attending the seventh Conference of the Parties (COP) in November as a member of the Framework

Convention Alliance. Decisions taken at the COP will provide strong support for the ratification of the illicit trade protocol and more widespread implementation of the FCTC.

The UK Government announced at the COP that it would be investing £15 million to support global implementation of the WHO's Framework Convention on Tobacco Control (FCTC) to help Parties meet their Sustainable Development Goals. This was in recognition of the role that tobacco plays in harming the health and development prospects of people in low and middle income countries. As home to two of the world's biggest transnational tobacco companies, the UK has a special responsibility to ensure that tobacco control measures are implemented globally as well as nationally.

The Government has demonstrated its support for international tobacco control, but we still await the new tobacco control plan for England. This needs to focus on protecting children and driving down inequalities, in line with the incoming Prime Minister's commitment in her first speech. The Government promised in November that it would be published shortly and this is essential if we are to continue to drive down smoking rates, particularly in the most disadvantaged groups such as people on low incomes and those with mental health conditions. Renewed Government investment is essential but we also believe strongly that the tobacco industry should be required to pay for the harm it causes. To this end we will continue to press for an industry levy to pay for tobacco control measures.



Professor John Moxham
Chairman



Deborah Arnott
Chief Executive

Campaigning

Standardised packs and the Tobacco Products Directive

The UK law requiring standardised tobacco packaging and the implementation of the revised EU Tobacco Products Directive took effect on 20th May 2016. By this date tobacco manufacturers had to stop producing cigarette packs with distinctive logos and other promotional features. The law allows the companies a year to sell through old stock, but the standard packs started appearing in July and full compliance is expected by February 2017.

To support awareness and understanding of the changes to tobacco packaging, ASH produced a mock-up of a fully compliant standard pack. The image was widely circulated to the media, and was used by the Department of Health, Public Health England and WHO. Postcards were distributed to all local authorities and supportive parliamentarians. We also produced a number of short summary documents on standardised packaging for local councillors and health professionals.

Following the passing of the regulations on standardised packaging in 2015, as expected, the tobacco companies challenged the law, arguing that it infringed their human rights and intellectual property rights. ASH was granted permission to intervene in the case brought against the Department of Health which was held in December 2015. On 19th May 2016, one day before the law was due to take effect, the High Court issued a ruling rejecting the industry's case. The judge was highly critical of the quality of expert evidence used by the industry to support its case and concluded that he could not see *'any logical or rational basis for imposing upon the State a duty to pay compensation to the tobacco companies for ceasing to engage in an activity which facilitates a health epidemic and imposes vast costs upon the state.'* Nonetheless, the tobacco companies appealed against the ruling and at the time of writing a ruling by the Appeal Court was awaited.

**Smoking causes mouth
and throat cancer**

Get help to stop smoking at www.nhs.uk/quit



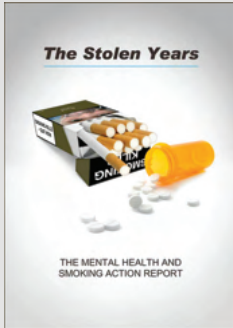
**Pall Mall
Double Capsule**

20 Cigarettes

One of the first
standardised packs
of cigarettes to
appear in UK shops

Stolen Years report

In April, ASH published '*The Stolen Years - The Mental Health and Smoking Action Report*', endorsed by 27 health organisations, which sets out a series of recommendations for how smoking rates among people with a mental health condition could be dramatically reduced



over the next few years. The key ambition of the report is that smoking among people with a mental health condition declines to be less than 5% by 2035, with an interim target of 35% by 2020.

Currently in England more than four in ten adults with a serious mental illness are smokers which is over twice the rate of the general population. *The Stolen Years* report recognises that there is no single measure that will reduce the high rates of smoking

among people with a mental health condition but that change is needed in all parts of the health and social care system.

Smoking not only affects people's health but also their wealth. Research conducted by the University of Nottingham for this report shows the contribution smoking is making to pushing people with a mental health condition into poverty. It estimates that a million people with a common mental health condition are living in poverty and smoke, and a further 130,000 are pushed into poverty once their spending on tobacco is taken into account.

The Stolen Years report was launched at a successful event in Parliament on 12th July. Following publication, a new Mental Health and Smoking partnership was formed co-chaired by ASH Board member Professor Paul Burstow and Professor Ann McNeill. The partnership is modelled on the Smoking in Pregnancy Challenge Group and will operate in a similar way. In particular the partnership is pressing for the inclusion of targets to reduce smoking in people with a mental health condition to be included in the Government's new tobacco control plan.

Smoking in cars

A year after the ban on smoking in cars carrying children took effect, the ASH Smokefree GB survey shows that 86% of children reported no exposure to smoking in cars compared to 83% in 2015. Support for the law, including among smokers, has also increased since the legislation was implemented. The survey found that 87% of adults in England were in favour (a 2% increase on the 2015 survey which was conducted before the law was introduced) while 76% of smokers (up 2% on the 2015 survey) expressed support for the law. There is also growing support for legislation to cover smoking in all cars: 62% of adults in England reported supporting this measure in 2016 compared to 59% last year.

Tax and smuggling

In advance of the spring Budget, ASH and the UK Centre for Tobacco and Alcohol Studies had called on the Chancellor to raise the tobacco tax escalator from 2% above inflation to 5% above inflation; to increase tax on handrolled to reduce the differential; and to introduce a minimum consumption tax on all tobacco products, among other measures.

Whilst the tax escalator on manufactured cigarettes remained at 2%, ASH and the UKCTAS welcomed the Chancellor's announcement that the tax on hand-rolled tobacco would rise by 5% above inflation, thereby helping to close the gap between manufactured and hand-rolled cigarettes. The health groups also welcomed the Chancellor's commitment to introduce a minimum excise tax which will set a 'floor' on cigarette taxes which should reduce the differential between the highest and lowest priced cigarettes. Both these measures should help ensure tobacco is less affordable so encouraging quitting.

In addition the Chancellor announced that the Home Office would receive £31 million to strengthen border controls and intercept smugglers. This is in addition to the anti-illicit tobacco measures announced in the 2015 Budget. However, ASH remains concerned that budget cuts have resulted in a reduction of enforcement activity by trading standards officers, which undermines local authorities' capacity to tackle illicit tobacco and enforce age of sale laws.

Retail report

Unique research commissioned by ASH has demolished the myth that small shops are dependent on tobacco for their businesses to be profitable. The tobacco industry argues that tobacco is a major driver of visits to shops but ASH's research shows that retailers make little from tobacco compared to other goods. The study of small retailers across England found that average profit margins are under 7% for the tobacco products they sell compared to 24% for all other products, and tobacco accounts for only around 10% of their profits.



The figures from 'Counter Arguments: How important is tobacco to small retailers?' a joint project with the National Centre for Addiction at King's College London, show that tobacco sales are declining and

today the majority of all small retailer transactions (79%) do not include the purchase of tobacco products.

In the retailer survey, small businesses told ASH that they want to do the best for their customers whether they smoke or not. Three quarters of retailers aim to stock a wide range of tobacco brands despite the fact that 72% of them said it meant that too much money was tied up in stock. Nearly a quarter (24%) of the retailers ASH spoke to also admitted they regularly had problems with the cost of stocking up.

John McClurey, a small retailer from Newcastle who was on the report steering group commented that "*The decline in the market, the disappearance of cigarettes behind gantry doors and the shift to plain packaging have made the traditional approach to selling tobacco out-dated. A better alternative for retailers is to reduce stock, shift the gantry and free-up space for products that actually turn a decent profit.*"

An infographic was produced to help publicise the key messages of the report (see page 9).

Counter Arguments

HOW IMPORTANT IS TOBACCO TO SMALL RETAILERS?

Tobacco manufacturers regularly communicate with small retailers. They claim: tobacco sales are crucial for business; tobacco drives footfall; retailers who cut back on brands lose customers and that tobacco regulations increase smuggling, undermining legitimate sales.

But how true is this?

Profit margin %



PROFITS

The margin on tobacco products is very low compared to all other products retailers sell.

AVAILABILITY

Fewer brands means more space to promote sales of higher margin products, better cashflow and little lost profit.

OUT OF STOCK



FOOTFALL

Everything that retailers sell drives footfall, not just tobacco. 79% of small retailer transactions do not include the purchase of tobacco products.

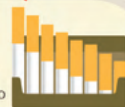
Transaction rates

■ Non-tobacco products
■ Tobacco products
■ Both tobacco and non-tobacco products



LEGISLATION

In Britain, the market share of illicit tobacco has declined since 2000 despite all the changes to how tobacco is sold.



Networking and coalition building

Smokefree Action Coalition



The Smokefree Action Coalition (SFAC) continues to grow and now consists of 329 organisations committed to reducing the harm caused by tobacco. It was established by ASH to advocate for smokefree public places and has grown year on year since then. In January 2016, a meeting of the SFAC alliance was held to discuss and agree a new 3-5 year strategy. Priorities include achieving the publication of a new government tobacco control plan sustainably funded through a levy on the industry and ratification of the Illicit Trade Protocol to the FCTC, backed up by licencing of the entire supply chain including retailers, to improve the UK's effectiveness in tackling the illicit trade in tobacco.

The proposal to impose a levy on the tobacco industry to pay for evidence-based tobacco control and stop smoking services formed a key plank of the *Smoking Still Kills* tobacco control strategy launched by ASH in 2015. SFAC members joined ASH in backing Cancer Research UK's '*Cough Up*' campaign in support of this policy.

All-Party Parliamentary Group on Smoking and Health



In December 2015 the Rt Hon Kevin Barron MP, Vice-Chair of the All Party Parliamentary Group, secured a backbench debate to discuss the need for a new tobacco control plan for England with a focus on sustainable funding for tobacco control. The debate took place on the 17th December 2015 and the then Public Health Minister Jane Ellison MP committed to publishing a new plan in summer 2016.

The APPG held a parliamentary reception to celebrate the launch of ASH's report: *The Stolen Years: The Mental Health and Smoking Action Report*, on the 12th April 2016. This allowed local authority tobacco control leads as well as MPs and peers to find out more about the report and ask questions of leading contributors.

In May the APPG produced a Bulletin for Parliamentarians focusing on the implementation of standardised tobacco packaging and highlighting the need for sustainable funding to ensure a continued decline in smoking rates. This was followed by a second Bulletin in October which highlighted the urgent need for a new tobacco control plan to be published and considered new evidence on e-cigarettes.

Following the change of government in July 2016 and the ongoing absence of a tobacco control plan there have been debates in both Houses of Parliament on tobacco control proposed by members of the APPG. On the 14th September 2016 the Lords debated the topic of smoking related disease, with Lord Faulkner leading the debate. This prompted government spokesman Lord Prior to commit to Public Health England producing an annual review of the evidence on e-cigarettes and including messaging on e-cigarettes in mass media campaigns. In the Commons, Alex Cunningham MP secured a backbench debate on the consideration of a tobacco control plan. A constructive debate was held in October 2016 with incisive contributions from several members. The new Public Health Minister Nicola Blackwood MP stated that the Government does see tobacco control as a priority and has subsequently told parliament that the plan would be published 'shortly' but has not yet committed to a timetable.

In October the Chair of the APPG Bob Blackman MP, hosted a second parliamentary reception to celebrate the launch of ASH's report: *Counter Arguments: How important is tobacco to small retailers?* This event was well attended by Parliamentarians and members of the retail press with follow-up articles appearing in a number of retail magazines.



Bob Blackman MP speaking at the launch of the *Counter Arguments* report, 18 October 2016

Parliamentary reception for the launch of the *Stolen Years* report, 12 April 2016

Framework Convention on Tobacco Control

ASH Chief Executive Deborah Arnott attended the seventh Conference of the Parties of the Framework Convention on Tobacco Control (FCTC) in India in early November. The COP is the governing body of the FCTC. Key issues debated and agreed included measures to implement the Illicit Trade Protocol and greater support for implementation of the FCTC, including the development of a strategic framework for this work.

On the first day of the COP the UK delegation made the welcome announcement that the UK Government had made a commitment to invest £15 million to support global implementation of the FCTC to help Parties meet their Sustainable Development Goals.

Policy implementation

Supporting local tobacco control

New resources to support local authority tobacco alliances

Following requests for support from local partners, we worked with the regional tobacco control offices to create a suite of resources designed to support tobacco alliances. The resources are designed to complement existing materials and to signpost alliances to useful tools such as the ASH Local Toolkit and PHE's Tobacco Control Profiles. The new resources include briefings for alliance stakeholders, case studies and an annual planning document.

FTC Article 5.3 briefing pack for local authorities

ASH has been working in partnership with the Tobacco Control Collaborating Centre and Kent County Council to create a resource pack for local authorities to help them ensure they are in compliance with the guidelines. Article 5.3 of the Framework Convention on Tobacco Control requires all levels of government to ensure that their public health policies are protected from tobacco industry interference.

Nicotine withdrawal in police custody

ASH, jointly with the National Centre for Smoking Cessation and Training and Public Health England, has produced guidance for Custody Sergeants. The guidance recommends the provision of nicotine replacement therapy in place of tobacco for detainees in police custody, where smoking is prohibited.

policies. The study covering the period 2015 to 2016, found that there were budget cuts to the Stop Smoking Services and wider tobacco control work in every region in England. Cuts were most frequent in the East of England, London and the Midlands. The study also found that in 20% of local authorities the specialist Stop Smoking Service has been replaced by a broader lifestyle advice service, which has been shown to be less effective in helping smokers quit.

Health Inequalities

We published a new briefing on health inequalities and smoking. This covers the latest evidence on the impact of smoking on health inequalities and the actions that can be taken to address the problem. The briefing was launched on 6th April with a webinar attended by health experts including Professor Amanda Amos from the University of Edinburgh, who provided background and evidence, and Martin Dockrell from Public Health England who gave insights into actions that can be taken locally. The event was promoted to local and national professionals working across public health, health and poverty, and was fully subscribed with over 90 people signed up.

Smoking in pregnancy

*smoking in pregnancy
challenge group* ●

Following the publication of the Smoking in Pregnancy Challenge Group update report last year the Group was invited to meet the Public Health Minister in February. We continue to disseminate the report at meetings and through presentations at conferences.

Dr Misha Moore, a trainee public health registrar who joined ASH on a part-time basis in May, is leading a project to explore ways to improve the skills, training, knowledge and practice of staff involved in pregnancy and early childhood on tobacco related issues. Government statistics released in June showed that 10.6% of women in England were smoking at the end of their pregnancy in 2015/16 achieving the target of 11% or less in the Tobacco Control Plan for England which expired in December 2015. Members of the Challenge Group welcomed the fall in smoking but warned that further progress could be jeopardised if cessation services continue to be cut.

E-cigarettes in pregnancy

Are e-cigarettes safe to use?

- E-cigarettes aren't risk free, but they are much less harmful than smoking
- If using an e-cigarette helps you stay smokefree, it is much safer for you and your baby than smoking

Can I still smoke a bit of tobacco?

- NO - Every cigarette harms you and your baby
- The only way to stop this is to stop smoking tobacco completely
- You can use your e-cigarette as often as you need to stay smokefree



Can I use an e-cigarette to help me quit smoking?

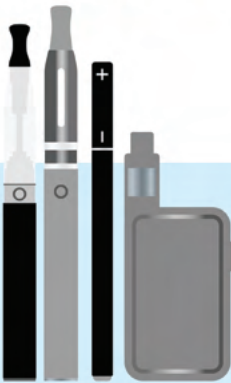
- The safest products to use are nicotine replacements such as patches and gum
- If you find an e-cigarette helpful, it is far safer than continuing to smoke

Is nicotine harmful for my baby?

- Nicotine alone is relatively harmless
- The main harm from smoking comes from the thousands of chemicals in tobacco smoke

Is it OK for others to use e-cigarettes around me?

- It is far safer than allowing smoking
- Secondhand tobacco smoke is very harmful to you and your baby
- There is no evidence of harm to others from e-cigarette vapour



Using an e-cigarette is far safer than smoking

- E-cigarettes allow you to inhale nicotine through a vapour rather than smoke
- E-cigarettes don't burn tobacco, and don't produce tar or carbon monoxide
- Vapour contains much lower levels of harmful chemicals than smoke



For more information on quitting smoking ask your midwife, GP or pharmacy team or search NHS Smokefree.



Always keep e-cigarettes and e-liquids out of the reach of children to avoid accidental poisoning. Always use the correct charger.

The Smoking in Pregnancy Challenge Group wrote to the Health Minister calling for a strong new ambition for reducing the prevalence of smoking in pregnancy to be included in the Government's new tobacco control plan. The Group was encouraged by the reply from the new Public Health Minister, Nicola Blackwood,

who stated that the new plan would include: “a renewed national ambition to maintain momentum on this important issue” and that “Ministers, along with the NHS Chief Executive and the CMO are considering a range of options about how best to develop this agenda [the improvement of maternity care and pregnancy outcomes] within the new tobacco control plan.”



In response to the rise in the use of electronic cigarettes the Challenge Group has produced new resources designed to inform health professionals and pregnant women interested in using electronic cigarettes to quit smoking.

E-cigarettes

Data from ASH's 2016 YouGov opinion polling show that while awareness of e-cigarettes among children continues to grow, regular use of the products remains rare.

In 2016, only 5% of 11-18 year olds said they had not heard of e-cigarettes, down from 30% in 2013. Experimentation increased over three years with 6% of 11-18 year olds saying they tried electronic cigarettes 'once or twice' in 2014 rising to 9% in 2016. However, regular use of electronic cigarettes remained rare across all three years with 2% of young people saying they used electronic cigarettes more than once a month in 2016. During this period there has been a decline in smoking among children, countering the suggestion that e-cigarette use leads to a take-up of smoking.

Understanding of e-cigarettes among young people is generally good, with nearly two thirds (63%) of those who have heard of e-cigarettes believing correctly that they are less harmful than tobacco cigarettes. However, there has been a rise in the proportion of

young people who mistakenly believe e-cigarettes to be equally as harmful as cigarettes. Between 2013 and 2016 the proportion believing that the electronic devices are as equally harmful increased from 11% to 23%.

Similar trends can also be seen among adults: the 2016 ASH/YouGov survey found that only 15% of adults in Britain correctly believed that e-cigarettes are a lot less harmful than smoking. This is in spite of a growing body of evidence showing that e-cigarettes provide a significantly less harmful alternative to smoking. For example, the Royal College of Physicians' report: *Nicotine without smoke – tobacco harm reduction* released in April concluded that in the interests of public health it is important to promote the use of e-cigarettes, NRT and other non-tobacco nicotine products as widely as possible as a substitute for smoking in the UK.

Electronic cigarettes at work policy

ASH and the Chartered Institute of Environmental Health ran a series of workshops with local councils regarding the introduction of workplace policies for electronic cigarettes in 2014. This formed the foundation for a document for local authorities entitled "*Developing an organisational approach to the use of electronic cigarettes on your premises*", which outlined the policies of seven local authorities. In light of new evidence and evolving policies, we are now re-visiting this project to update, broaden and re-disseminate the materials.

Smoking in prisons

ASH has been working to support implementation of the National Offender Management Service smokefree strategy in prisons in England and Wales. Rollout in Wales and prisons in the Southwest of England is now complete and they are all smokefree. However, full rollout to all prisons in England is not expected until December 2017.

Information and media

Websites

In late September ASH launched a new streamlined website which is designed to be more user-friendly and compatible for use on mobile electronic devices as well as PCs.

Traffic on the ASH website increased again this year with 561,000 unique visitors during the period September 2015 to August 2016; an average of around 1,500 per day. Over this period we recorded over 1.3 million page views. As in previous years, most users are from the UK (69%) with the USA being the second most frequent source of visitors.

The Smokefree Action Coalition website, maintained by ASH, provides materials for the coalition members such as briefings and other resources on issues such as mental health and smoking in pregnancy. During the period September 2015 to August 2016, the website attracted 13,000 unique visitors and 28,750 page views.

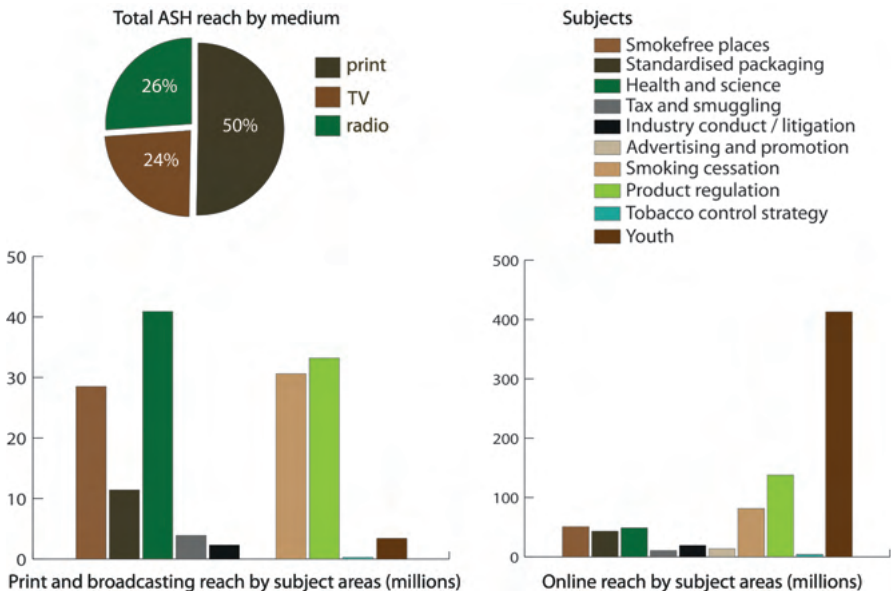
Consultation responses

Over the past 12 months ASH staff responded to 28 consultations on a wide range of topics including: tobacco licensing, revisions to the EU tax directive, NHS sustainability, advertising of e-cigarettes and the future of various Office for National Statistics publications.

Media coverage

We issued 36 press releases (excluding SFAC and APPG releases) between September 2015 and August 2016. Based on figures from professional media monitors contracted by ASH, it is estimated that ASH's media 'reach' (the number of people who would have been exposed to our message) across TV, radio and print media) was an average of 2.5 million people a week with an additional 7.7 million online. Over the same period ASH was referenced around 2,000 times in online news sources and 1,600 mentions in the print media. ASH appeared on, or was referenced 350 times on the radio and 29 times on television.

Key issues covered in the media during this period in which ASH was quoted included electronic cigarettes, standardised packaging, mental health and smoking in pregnancy.



Accounts 2015-16

A full copy of the audited accounts for the financial year ended 31st March 2015 can be found on our website at ash.org.uk/accounts.

Patron

HRH The Duke of
Gloucester

Trustees

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Acknowledgements

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Public Health trainee

Misha Moore

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Rasha Elzein	Intern (to March)
Emily James	Policy & Campaigns Officer (to August)
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Jenn Ruddick	Senior Policy and Campaigns Officer
Vicky Salt	Policy & Campaigns Officer
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Ian Willmore	Special Projects Advisor



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ash.
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