



ISSUE BACKGROUND

April 1, 2016

PLAIN TOBACCO PACKAGING

OVERVIEW

The Canadian Partnership Against Cancer (the Partnership) is working with partners to promote greater integration of tobacco control in cancer control. In support of this work, we have examined the available evidence related to implementation of plain tobacco packaging laws. There is strong evidence that the use of plain tobacco packaging decreases tobacco use. Given that tobacco use remains the leading preventable cause of cancer in Canada, the Partnership supports adoption of plain packaging measures in Canada.

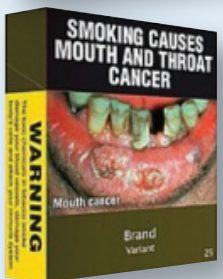
This backgrounder was prepared to provide an overview of plain tobacco packaging, the state of the evidence on plain tobacco packaging and tobacco use, the current policy context, and the Partnership's position on the issue. It is being made available to key partners and stakeholders to support dialogue about plain packaging for tobacco products, including federal government deliberations on legislative or regulatory options.

BACKGROUND

What is plain packaging of tobacco products?

In many countries, packaging of tobacco products has become “the most important promotional vehicle for reaching potential and current smokers.”ⁱⁱⁱ The design of packaging can make its contents appear safe to use, undermining the credibility and effectiveness of health warnings. Studies indicate that the colour, shape and size of a package can have implications on consumer behaviour and the perception of product attributes.ⁱⁱⁱ The World Health Organization's (WHO) Framework Convention on Tobacco Control (FCTC) recommends plain packaging to: **a)** reduce the attractiveness and appeal of tobacco products, **b)** increase the noticeability and effectiveness of health warnings and messages, and **c)** reduce design techniques that may mislead consumers about the harmfulness of tobacco products.

Figure 1. Current cigarette packaging in Canada compared to sample plain packaging



Plain packaging of tobacco products standardizes the appearance of packages by requiring removal of all brand imagery, including logos and trademarks. Packages instead display a standard background colour and manufacturers are permitted to print only the brand name in mandated font, size and position. Other government-mandated information, such as health warnings, remain on packages. [Figure 1](#) illustrates the differences between current cigarette packaging and plain packaging.

What does the evidence say about plain packaging?

A systematic review completed in 2012 found strong evidence to support adoption of plain packaging measures to decrease tobacco use.^{iv} Some key study findings include:

- More recent studies indicate that plain packaging has resulted in a sustained increase in calls to quitlines after measures were introduced,^v and the measures have reduced the appeal of smoking and encouraged smokers to consider quitting.^{vi} Measures adopted in Australia have resulted in a “statistically significant decline in smoking prevalence” accounting for approximately one quarter of the total decline in prevalence rates observed during the post-implementation timeperiod.^{vii}
- Plain packaging reduces the attractiveness of tobacco products, particularly among young people and women.^{viii, ix}
- Plain packaging makes graphic health warnings more noticeable, easier to see,^{x, xi}

and easier to remember than the same warnings on branding packaging.^{xii, xiii, xiv} Health warnings are also perceived as being more serious and credible on plain packs.^{xv, xvi}

What is Canada doing about plain packaging?

Plain packaging measures have not yet been introduced in Canada. However, in November 2015, the Minister of Health Mandate Letter revealed top priorities for health at the federal level, including to: “introduce plain packaging requirements for tobacco products, similar to those in Australia and the United Kingdom.”^{xvii}

What jurisdictions have adopted plain packaging?

In 2010, Australia became the first country in the world to adopt plain packaging, which came into force in December 2012. Ireland, the United Kingdom and France have also approved plain packaging legislation which will come into force in May 2016. Belgium recently announced plain packaging legislation will come into force in 2019. Other countries considering legislation include: Norway, Sweden, Finland, Hungary, Turkey, South Africa, Singapore and New Zealand.

What legal challenges have arisen?

A number of legal challenges have arisen related to Australia’s plain packaging legislation:

- The tobacco industry initially challenged the legislation suggesting that the new plain packaging measures violated intellectual property rights of tobacco companies. In 2012, the High Court of Australia rejected this

constitutional challenge to its plain packaging legislation.^{xviii}

- Philip Morris Asia (PMA) challenged the plain packaging legislation under the Hong Kong-Australia Bilateral Investment Treaty claiming it expropriated its intellectual property, and PMA was not afforded fair and equitable treatment. In 2015, the investment tribunal dismissed this challenge.^{xix}
- The Ukraine, Honduras, Dominican Republic, Cuba and Indonesia have filed complaints that Australia's laws breach the World Trade Organization (WTO)'s General Agreement on Tariffs and Trade, Agreement on Technical Barriers to Trade and Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), in that they are discriminatory, more trade restrictive than necessary, and unjustifiably infringe upon trademark rights. It has been reported that the tobacco industry is providing support to several of these countries. Plain packaging measures are, however, in compliance with intellectual property law (WTO TRIPS), which prevents the misuse of trademarks.^{xxi}

Tobacco and the Canadian Partnership Against Cancer

The Partnership engages in a number of knowledge brokering and catalyzing action activities related to tobacco cessation for cancer patients, including:

- The Prevention Policies Directory (the Directory) tracks Canadian prevention policies relating to the modifiable risk factors

for cancer prevention (which includes tobacco use) at the federal, provincial/territorial, and municipal levels. Policies on tobacco products are being actively monitored via the Directory's webcrawler.

- Annual environmental scans of tobacco cessation programs funded by federal, provincial and territorial governments across Canada.
- Development and dissemination of issue backgrounders on emerging issues in tobacco control for cancer control professionals (e.g., electronic cigarettes, flavoured tobacco).
- Nine provinces and territories have been funded to implement tobacco cessation approaches into their cancer system so cancer patients will be supported to quit.

RECOMMENDATION

Given that tobacco use remains the leading preventable cause of cancer in Canada, the Partnership supports adoption of plain packaging measures in Canada.

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