

## The Tobacco Products Directive: Myth Busting

This briefing provides an outline of the key issues related to the Tobacco Products Directive and addresses some of the false claims (myths) that are being made by the tobacco industry.

Tobacco causes 650,000 deaths each year in Europe<sup>1</sup>. A stronger Tobacco Products Directive (TPD) which requires, in particular, larger warnings (including pictures) on both sides of the pack, plain packaging and regulation of flavourings and additives, is needed to protect children and young people from the marketing of this highly addictive and seriously harmful product.

### What is the burden of tobacco on Europe?

Smoking is the leading cause of preventable deaths in Europe and accounts for more than a quarter (29%) of all deaths in the developed world.

### Picture warnings and plain packaging



#### Why do we need picture warnings?

There is strong evidence that picture warnings encourage smokers to think about quitting and are more effective than text warnings. We believe there should be mandatory picture warnings on both the front and back of the pack covering at least 80% of the surface. As well as enhancing the health message, this limits the use of the pack as a marketing tool.

#### What is the evidence that mandatory picture warnings work?

Rather than being used as a marketing tool by the tobacco industry, tobacco packages can be used by governments to efficiently and effectively communicate the dangers of tobacco use to the general public. Evidence shows that one of the best ways to raise awareness of the dangers of tobacco is through the adoption of large mandatory pictorial warnings on the front and back of the pack. These are much more likely to draw attention than text warnings so they are more frequently read, attended to, thought about and talked of.<sup>2</sup> In addition, smokers are more likely to recall larger warnings than smaller ones, and tend to equate the size of the warning with the magnitude of the risks of tobacco use.<sup>3,4</sup> There is also evidence that pictures on both sides of the pack have a greater impact than on one side only<sup>5</sup>. This is why it is crucial that large picture warnings are on the front and the back of the pack.

### Why do we need plain packaging?

Plain packaging is needed to protect children and young people from the marketing of this highly addictive and seriously harmful product. Plain packaging makes tobacco products less attractive to children and young people. Eight out of ten smokers start before the age of 19<sup>6</sup> and addiction keeps them smoking into adulthood. Marketing is known to pull children into smoking<sup>7</sup> and the pack is just another marketing tool.<sup>8</sup> As governments around the world have restricted the tobacco industry's ability to market their products through advertising and point-of-sale displays, tobacco firms have shifted their massive marketing budgets into making packs attractive and enticing.<sup>9</sup>

Evidence shows that tobacco branding works in three key ways:

- Packs are designed to be attractive and communicate the particular 'personality' of a brand. They can act as 'badge products' which become a core part of a person's identity.
- Lighter coloured packs mislead consumers, falsely suggesting some tobacco products are healthier than others.
- Branding on packs reduces the prominence and effectiveness of health warnings.

The Australian federal government has recently announced its intention to introduce plain packaging in 2012, setting a standard that the EU should follow.



### What is plain packaging?

Plain packaging means all cigarette packs would look the same, packaged in a standard shape without any branding, design or logo. Pictured right is an example of the packs Australia plans to introduce.

- The health warnings on the front and back remain
- The brand name appears in a standardised typeface, colour and size
- There is a standardised shape, colour and method of opening the packet
- The duty paid stamp and barcode remain
- Cigarettes themselves are standardised in size and paper colour

### **What is the impact of plain packaging on young people's perceptions of cigarettes?**

Studies comparing existing branded cigarette packs with plain cardboard packs bearing the name and number of cigarettes in small standard font, found plain packs to be significantly less attractive.<sup>10,11,12</sup>

### **What impact does lighter coloured packaging have on young people's perception of how harmful a tobacco product is?**

Plain packaging leads to fewer people falsely believing that lighter colours are healthier than others. Adults and young people (11-17 year olds) are significantly more likely to rate 'silver' and 'gold' packs as lower tar, lower health risk and either easier to quit in the case of adults, or as their choice of product if trying smoking amongst teenagers<sup>13 14 15</sup>.

### **What impact does branding have on the effectiveness of health warnings?**

Plain packaging makes health warnings more prominent and more effective. Decreasing the extent of branding on tobacco packaging increases the deterrent effect of health warnings, as does increasing the size of the warnings. One study found that out of 13 options, plain packs with large warnings were significantly more likely to elicit cessation-related behaviours than branded packs with small warnings.<sup>16,17,18,19</sup>

### **Who backs plain packaging?**

Australia is the first country to have passed legislation to introduce plain packaging. The Tobacco Plain Packaging Bill received cross-party backing and was passed unanimously through the Australian House of Representatives.<sup>20</sup> France,<sup>21</sup> the UK<sup>22</sup>, New Zealand<sup>23</sup>, Turkey<sup>24</sup> and Hong Kong<sup>25</sup> are all reviewing the policy.

### **What does the tobacco industry *really* think about plain packaging?**

A leading industry analyst has estimated that plain packaging will halve tobacco industry profit margins<sup>26</sup> so it is not surprising that Philip Morris has stated "*we don't want to see plain packaging introduced anywhere regardless of the size and importance of the market.*"<sup>27</sup>

### **Tobacco is a legal product – why should it be treated differently?**

Tobacco is the only consumer product that when used as instructed, kills one in two of its long-term users.<sup>28</sup> Tobacco is a unique product and should be treated differently to other consumer products. All tobacco products are harmful to health and there is no safe level of use. Therefore all tobacco products should come under the Tobacco Products Directive.

### **Why is the removal of tobacco point of sale displays essential?**

This is crucial if we are to protect children from tobacco marketing and access. Point of sale displays are more noticed by children and increase their susceptibility to try smoking. Research from Ireland has shown that removing point of sale displays helps to 'denormalise' smoking among children while not impacting on shop sales.

### **How does the Tobacco Products Directive fit with the Framework Convention on Tobacco Control (FCTC)?**

The European Community and all member states (except the Czech Republic) are signatories to the FCTC, the world's first international public health treaty. The TPD was adopted in 2001, before the EU ratified the FCTC. As a result, the current TPD is not in line with Articles 11 and 13 and their guidelines – these acknowledge that the adoption of pictorial warnings on both sides of the pack in combination with plain, standardised packaging and telephone numbers for advice on how to quit, is the best way to inform consumers of the dangers of tobacco.

## What are the myths the tobacco industry promotes?

### **Myth: Plain packs are easier to forge so smuggling will rise.**

**Fact:** Plain packs will not be easier to forge than current packs as they will have large pictorial health warnings as well as covert markings designed to prevent counterfeiting.

These covert markings are already a requirement in the UK because of the ease with which current cigarette packs can be counterfeited. The markings enable enforcement officials to easily distinguish illicit cigarettes<sup>29</sup>. For example, a recent study of 54 smokers found that not only were smokers easily able to identify counterfeit tobacco, but that the likelihood that they would buy illicit tobacco was driven by availability and price only, not the packaging (whether unbranded or plain). Given the extremely low manufacturing costs of illicit tobacco, it seems unlikely that costs would decline any further, so illicit tobacco is unlikely to become cheaper, and therefore more desirable, in any meaningful way.<sup>30</sup>

### **Myth: Cigarette prices will fall as this is the only way for companies to compete, meaning more young people will start smoking.**

**Fact:** If there is a reduction in price, taxes can be raised to compensate. The difference in price between duty paid and illicit tobacco in the EU would not need to significantly change.

### **Myth: Plain packaging will make it difficult for retailers to differentiate between different brands.**

**Fact:** A tobacco industry backed group<sup>31</sup> has claimed that it will take longer to serve customers and so convenience stores will lose custom.<sup>32</sup> However, research published in a peer-reviewed journal found that it is slightly quicker to serve customers with plain packs. Participants in the study reported that it was easier to find alphabetically ordered plain packs without the distraction of different colours and pictures.<sup>33</sup> The removal of tobacco displays in shops was alleged to have a similar effect, i.e. that shop assistants cannot use the colours of the brands to locate stock. However, peer-reviewed research from Ireland has found no economic impact on small shops<sup>34</sup>.

### **Myth: Plain packaging is confiscating the property of tobacco companies and could result in significant legal and compensation costs for governments.**

**Fact:** The trademarks are not being acquired by anyone – it is just their use that is being restricted. International treaties on intellectual property have opt-outs for public health<sup>35</sup>.

## Flavourings and additives

### **Why are flavourings and additives used in cigarettes?**

Flavourings and other additives are widely used in cigarettes and other tobacco products to increase the palatability or attractiveness of tobacco smoke, particularly for young people. The more attractive tobacco products are, the more people will become addicted and, ultimately, the more will die from tobacco-caused disease. In many countries, the tobacco industry is increasingly flavouring cigarettes and some other tobacco products. In some cases, flavoured cigarettes are being marketed by smaller companies separate from the large transnationals. Some of the major international companies have also sold flavoured cigarettes.

The U.S. Food and Drug Administration, in implementing national restrictions in the US, has cited evidence as to how attractive flavours in cigarettes are appealing to young people<sup>36</sup>. The FDA fact sheet also cites tobacco industry internal documents which reveal clear patterns of designing flavoured cigarettes to target youth. Advisors to one company developed concepts for a “youth cigarette,” including cola and apple flavours, and a “sweet flavour cigarette,” stating, “It’s a well-known fact that teenagers like sweet products. Honey might be considered,”<sup>37</sup> as well as a cigarette name, blend, flavour and marketing technique....for example, a flavour which would be candy-like but give the satisfaction of a cigarette.”<sup>38</sup>

### **What does the FCTC say about flavourings and additives?**

Under Article 9 and 10 guidelines, “ingredients” include tobacco, components (e.g. paper, filter), including materials used to manufacture those components, additives, processing aids, residual substances found in tobacco (following storage and processing), and substances that migrate from the packaging material into the product (contaminants are not part of the ingredients). Examples include substances that are used as adhesives, binders, combustion modifiers, addictiveness enhancers, flavours, humectants, plasticizers, casings, smoke enhancers and colourings. Guidelines on ingredient regulation were adopted in November 2010 at the 4<sup>th</sup> Conference of the Parties. While the guidelines are not legally binding, they set standards.

The guidelines for these two articles recommend that:

- Parties should regulate, by prohibiting or restricting, ingredients that may be used to increase palatability in tobacco products.
- Ingredients indispensable for the manufacturing of tobacco products and not linked to attractiveness should be subject to regulation according to law.
- Parties should prohibit or restrict ingredients that have colouring properties in tobacco products.
- Parties should prohibit ingredients in tobacco products that may create the impression that they have a health benefit.
- Parties should prohibit ingredients associated with energy and vitality, such as stimulant compounds, in tobacco products.

Contrary to industry claims, FCTC guidelines do not recommend a ban on burley tobacco, which is grown worldwide and often flavoured during production. Cigarettes containing burley continue to be sold in countries with strong restrictions on flavourings.

### **What needs to be done about tobacco ingredients?**

Controls on “attractive substances in tobacco products” are being considered as part of the review of the TPD. The Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), which advises the European Commission, has concluded that “Attractiveness can... be improved in a number of ways, such as by adding flavours.”<sup>39</sup>

The adoption of a positive common list (i.e. what lays down what can be used only) of tobacco ingredients could be helpful. No additives should be allowed that enhance the attractiveness or addictiveness of the product. Flavourings have been shown to encourage youth initiation and discourage cessation, and ingredients such as sugars and sweeteners, flavourings, spices and herbs should not be permitted. The TPD should restrict the use of additives in line with the recently agreed FCTC guidelines for Articles 9 and 10. In the current directive, “Member States may provide for the prohibition of the use of ingredients which have the effect of increasing the addictive properties of tobacco products, since the use of such ingredients may undermine the limits on nicotine levels laid down in this Directive.”<sup>40</sup>

### **Which countries restrict flavourings in tobacco?**

Recognising that flavours increase attractiveness, countries are increasingly responding by adopting legislation to restrict flavours in cigarettes and some other tobacco products, including France, Australia<sup>41</sup>, Canada<sup>42</sup>, Thailand, and the United States<sup>43</sup>.

### **Myth: These changes will impact on jobs**

**Fact:** The changes to the TPD that are needed to reduce the 650,000 deaths from tobacco in the EU are aimed at reducing the numbers who start smoking and so will have a long-term effect on tobacco consumption meaning that retailers and farmers have time to adapt. Additionally, we should bear in mind the balance between keeping seasonal jobs (which may be poorly paid and exploitative) and saving lives.

### **Myth: Tobacco control groups want to ban burley tobacco**

**Fact:** This is false – we are simply proposing restrictions on additives that give flavouring.

**Myth: There is no evidence that flavours make cigarettes more attractive or that flavoured cigarettes increase overall consumption.**

**Fact:** There is in fact considerable evidence, some of which is cited earlier and in the end notes. The rationale exists for governments to take action – and more and more governments are doing exactly that.

**Myth: Tobacco product regulation should only apply to the toxicity and addictiveness of tobacco products, and not to attractiveness.**

**Fact:** A growing number of jurisdictions are taking action to control flavours in cigarettes in order to advance public health objectives of reducing tobacco consumption by reducing product attractiveness. Numerous governments and studies have cited how flavouring makes cigarettes more attractive (see the research cited in references 40-42). Also, as previously noted, the Article 13 guidelines on advertising, promotion and sponsorship already refer to product design features that make tobacco products more attractive. Thus Parties have already agreed that tobacco products should not be made more attractive.

**Myth: There should not be any regulation of ingredients where additives are transferred from the packaging to the product.**

**Fact:** As a means to add flavours to cigarettes, tobacco manufacturers sometimes place the flavouring on the foil wrapper inside the package. The flavouring then transfers to the cigarettes. Consequently, there would be a loophole if a regulation allowed manufacturers to add flavouring to packaging as an indirect means to flavour cigarettes.

**This briefing has been prepared by Cancer Research UK. For more information, please contact [publicaffairs@cancer.org.uk](mailto:publicaffairs@cancer.org.uk) or call 0044 (0)20 3469 8147.**

*Together we will beat cancer*



- <sup>1</sup> European Commission, Tobacco or Health in the European Union: Past, Present and Future, Luxembourg, 2004
- <sup>2</sup> White V, Wester B, Wakefield M, Do graphic health warning labels have an impact on adolescents' smoking related beliefs and behaviours? *Addiction* Abingdon (2008); Hammond D, Fong G, McDonald P, Brown K, Cameron R., Showing leads to doing: graphic cigarette labels are an effective public health policy, *European Journal of Public Health* (2006)
- <sup>3</sup> International Union Against Tuberculosis and Lung Disease, Tobacco Packaging and Labelling, Technical Guide, p.8, 2008.
- <sup>4</sup> Health Canada. The health effects of tobacco and health warning messages on cigarette packages – survey of adults and adult smokers: Wave 9 surveys. Prepared by Environics Research Group (January 2005).
- <sup>5</sup> Sambrook Research International. A review of the science base to support the development of health warnings for tobacco packages (May 2009), p.46
- <sup>6</sup> Goddard E. (2008). General Household Survey 2006: Smoking and drinking among adults 2006. Office for National Statistics, Newport.
- <sup>7</sup> For a discussion, see Chapter 2 of: Hastings, G et al. (2008) Point of Sale Display of Tobacco Products. The Centre for Tobacco Control Research, University of Stirling. [http://info.cancerresearchuk.org/images/pdfs/tobcon\\_pointofsalereport1](http://info.cancerresearchuk.org/images/pdfs/tobcon_pointofsalereport1)
- <sup>8</sup> Hastings G, Galopel-Morvan K, Rey JM. The plain truth about tobacco packaging *Tob Control* 2008;17:361-362
- <sup>9</sup> Good G, Global Brand Director, Imperial Tobacco UBS Tobacco Conference December 1, 2006 London
- <sup>10</sup> Wakefield MA, Letcher T. My pack is cuter than your pack *Tob Control* 2002 11: 154-156
- <sup>11</sup> Wakefield MA, Germain D, Durkin SJ. How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study. *Tob Control*. 2008 Dec;17(6):416-21
- <sup>12</sup> Rootman I, Flay BR. A study on youth smoking: plain packaging, health warnings, event marketing and price reductions. Toronto, Ontario, Canada: University of Toronto, University of Illinois at Chicago, York University, Ontario Tobacco Research Unit, Addiction Research Foundation, 1995.
- <sup>13</sup> Hammond D, Dockrell M, Arnott D, Lee A, McNeill A. Cigarette pack design and perceptions of risk among UK adults and youth *Eur J Public Health*. 2009 Dec;19(6):631-7.
- <sup>14</sup> Hammond D, Parkinson C. The impact of cigarette package design on perceptions of risk *J Public Health (Oxf)*. 2009 Sep;31(3):345-53
- <sup>15</sup> Hastings G, Galopel-Morvan K, Rey JM. The plain truth about tobacco packaging *Tob Control* 2008;17:361-362
- <sup>16</sup> Hoek J, Wong C, Glendall P, et al Effects of dissuasive packaging on young adult smokers *Tob Control* published online October 21, 2010 doi: 10.1136/tc.2010.037861
- <sup>17</sup> Cunningham R, Kyle K. The case for plain packaging. *Tob Control* 1995;4:80–6.
- <sup>18</sup> Goldberg ME, Liefeld J, Madill J, et al. The effect of plain packaging on response to health warnings. *Am J Public Health* 1999;89:1434–5
- <sup>19</sup> Beede P, Lawson R. The effect of plain packages on the perception of cigarette health warnings. *Public Health* 1992;106: 315–22.
- <sup>20</sup> Australian House of Representatives. Hansard 25 August 2011.
- <sup>21</sup> 'Plain cigarette packets considered'. The Connexion (11 August 2011) <http://www.connexionfrance.com/plain-cigarette-packets-smoking-draft-law-logos-colours-banned-shock-images-view-article.html>
- <sup>22</sup> Secretary of State for Health's announcement to consider plain packaging for tobacco products in the UK [http://www.dh.gov.uk/en/MediaCentre/Pressreleases/DH\\_124966](http://www.dh.gov.uk/en/MediaCentre/Pressreleases/DH_124966)
- <sup>23</sup> 'NZ likely to introduce plain packets'. *NZ Herald* (7 April 2011) [www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10717788](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10717788)
- <sup>24</sup> Harvey, B. 'Turkey Working on Cigarette Branding Ban Law, Milliyet Says' *Bloomberg* (7 September 2011) <http://www.bloomberg.com/news/2011-09-07/turkey-working-on-cigarette-branding-ban-law-milliyet-says.html>
- <sup>25</sup> Parry, K. 'Smoking's last gasp saloon'. *China Daily – HK edition* (7 September 2011) [http://www.chinadaily.com.cn/hkedition/2011-09/07/content\\_13635365.htm](http://www.chinadaily.com.cn/hkedition/2011-09/07/content_13635365.htm)
- <sup>26</sup> "Little hope in appealing to natural justice" *Tobacco Journal International*. (2 September 2008) Interview with Adam Spielman of Citigroup. [http://www.tobaccojournal.com/Little\\_hope\\_in\\_appealing\\_to\\_natural\\_justice.49195.0.html](http://www.tobaccojournal.com/Little_hope_in_appealing_to_natural_justice.49195.0.html)
- <sup>27</sup> <http://legacy.library.ucsf.edu/tid/ft22e00/pdf.jsessionid=F7268D7DBD41EDB7FB86ECFFE392F8A2.tobacco03>
- <sup>28</sup> <http://info.cancerresearchuk.org/healthyliving/smokingandtobacco/howdoweknow/>
- <sup>29</sup> HMRC and UKBA. 'Tackling Tobacco Smuggling—building on our success' (April 2011)
- <sup>30</sup> Moodie et al 'Young adult smokers' perceptions of illicit tobacco and the possible impact of plain packaging on purchase behaviour' (*European Journal of Public Health*, 2011)
- <sup>31</sup> "Big Tobacco slammed over ads", *Australian Broadcasting Corporation Broadcast*: 11/08/2010 <http://www.abc.net.au/lateline/content/2010/s2980489.htm>
- <sup>32</sup> Lateline, 2010. [TV programme] ABC, 10 September 2010. See: <http://www.abc.net.au/lateline/content/2010/s3008987.htm>
- <sup>33</sup> Carter et al. 'Measuring the effect of cigarette plain packaging on transaction times and selection errors in a simulation experiment' (2011) *Tobacco Control*. doi:10.1136/tobaccocontrol-2011-050087v [tobaccocontrol.bmj.com/content/early/2011/09/23/tobaccocontrol-2011-050087.short?rss=1](http://tobaccocontrol.bmj.com/content/early/2011/09/23/tobaccocontrol-2011-050087.short?rss=1)
- <sup>34</sup> Quinn C, Lewis S, Edwards R, McNeill A. (2010) Economic evaluation of the removal of point of sale tobacco promotional displays in Ireland. *Tobacco Control* doi:10.1136/tc.2010.039602 [http://tobaccocontrol.bmj.com/content/early/2010/11/18/tc.2010.039602.short?q=w\\_tobaccocontrol\\_ahead\\_tab](http://tobaccocontrol.bmj.com/content/early/2010/11/18/tc.2010.039602.short?q=w_tobaccocontrol_ahead_tab)
- <sup>35</sup> Smokefree Partnership 'Spotlight on the labelling and Packaging of Tobacco Products' (May 2011). <http://www.smokefreepartnership.eu/Spotlight-on-the-FCTC-issue-8>
- <sup>36</sup> <http://www.fda.gov/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/ucm183198.htm>
- <sup>37</sup> Marketing Innovations, "Youth Cigarette - New Concepts," Memo to Brown & Williamson, September 1972, Bates No. 170042014.
- <sup>38</sup> R.J. Reynolds Inter-office Memorandum, May 9, 1974, Bates No. 511244297-4298.
- <sup>39</sup> Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), "Addictiveness and Attractiveness of Tobacco Additives" pre-consultation opinion prepared for the European Commission, Directorate-General for Health & Consumers, July 6, 2010.
- <sup>40</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0037:EN:NOT>
- <sup>41</sup> State Government of Victoria, Australia, Department of Human Services, "Government to butt out fruit flavoured cigarettes" May 31, 2010. <http://hnb.dhs.vic.gov.au/web/pubaff/medrel.nsf/LinkView/2F57704743D9983FCA257734002238A5?OpenDocument>
- <sup>42</sup> Canadian Department of Health, "An Act to amend the Tobacco Act" Fact sheet, accessed June 14, 2010 [http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/federal/2009\\_fact-renseignements-eng.php](http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/federal/2009_fact-renseignements-eng.php)  
See also: Canadian Department of Health, "Government of Canada Delivers on Promise to Protect Kids from Tobacco" April 20, 2010. [http://www.hc-sc.gc.ca/ahc-asc/media/nr-cp/2010/2010\\_55-eng.php](http://www.hc-sc.gc.ca/ahc-asc/media/nr-cp/2010/2010_55-eng.php)
- <sup>43</sup> U.S. Food and Drug Administration, "Guidance to Industry and FDA Staff: General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2)" December 23, 2009.