



**IMPERIAL TOBACCO GROUP PLC**  
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Rt Hon Andrew Lansley CBE MP  
Secretary of State for Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

Friday 20 April 2012

*Dear Secretary of State*



I was concerned to read in The Times last Friday and further over the weekend in other media reports the following statements that were attributed to you:

*"...tobacco companies to have no business in the UK."*

*"We don't work in partnership with the tobacco companies because we are trying to arrive at a point where they have no business in this country."*

I would welcome urgent clarification of these statements.

Both of these statements have generated intense media comment on the anti-business approach of the Government. We had always understood from statements made by many Ministers including the Prime Minister, The Chancellor of the Exchequer and Business Secretary that the Government is pro-business and that business plays a vital role in the UK's economic recovery. These statements also appear to contradict the Government's own aims of *Let's Choose Growth* and *Backing British Enterprise*.

Imperial Tobacco is a responsible company working in a highly regulated, legal environment. We are a British success story, committing substantial capital investment in the UK each year - including over £100 million planned this year - and bring significant employment and value to the UK and Exchequer. As I hope you are aware, we are a partner of the UK Government through the European Cooperation Agreement signed with OLAF and EU Member States and are totally committed to working with the Government to tackle smuggling, which benefits no-one but criminals and often leads to unregulated sales of tobacco products.

I struggle to see how wilfully putting British people out of work, not just those directly employed by Imperial Tobacco but also those in the entire value chain of a legal product, including suppliers and retailers, can be a legitimate Government aim. I believe that a transparent, rational and proportionate debate regarding the way the tobacco industry should be regulated in the UK is desperately needed and would welcome a meeting to discuss this further.

I look forward to your reply.

Yours sincerely,

**Alison Cooper**  
Chief Executive Officer

Cc Rt Hon David Cameron MP, Prime Minister  
Rt Hon George Osborne MP, Chancellor of the Exchequer  
Rt Hon Dr Vincent Cable MP, Secretary of State for Business, Innovation & Skills

## Herbert Smith

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Our ref.  
2465/30923038  
Your ref.

Date  
23 April 2012

By fax and post

Dear Sirs

### Information request under the Freedom of Information Act 2000

This letter is a request for information under the Freedom of Information Act 2000 on behalf of British American Tobacco (UK) Limited.

1. Please could you confirm what evidence (for example any research, studies or statistical evidence) or other factual information of evidential relevance the Department of Health has commissioned, viewed, relied on or otherwise taken into account in connection with the preparation of the proposals outlined in its recent consultation on standardised packaging of tobacco products published on 16 April 2012. Please could you provide copies of the relevant documents to the extent that they are not otherwise publicly available (eg published on a website).
2. Please could you confirm whether any evidence has been commissioned by the Department of Health or provided to the Department of Health by third parties which could be treated as evidencing a link between the packaging of tobacco products and the taking up of smoking among young people during the period from 17 December 2010 to 16 April 2012 and, to the extent that it has, provide copies of that information.
3. Please could you confirm whether any evidence has been commissioned by the Department of Health or provided to the Department of Health by third parties between 17 December 2010 and 16 April 2012 in connection with the proposals for plain and / or standardised packaging for tobacco products relating to:
  - a. the competition, trade and legal implications of the proposals;
  - b. the likely impact on the illicit tobacco market of the proposals;
  - c. the public health benefits of the proposals;

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Herbert Smith

Date  
23 April 2012  
Letter to  
Customer Service Centre

- d. the likely distributional impacts of the proposals, i.e. the possibility of disproportionately affecting one group in society, for example, impacts on tobacco companies, their supply chains, retailers, consumers, countries with significant investment and involvement in the tobacco trade;
- e. the relative price movements likely to arise if the proposals were introduced, i.e. the consequences of the policy in terms of distorting or changing market forces and the wider cost or benefits that may result;
- f. the likely tax effects of the proposals;
- g. the likely dynamic effects of the proposals, including the timing of any policy effects and whether lasting change is created; or
- h. the likely unvalued effects of the proposals, i.e. costs and benefits which cannot be assigned a monetary value through weighting or other means, for example, the impact on other branded goods sectors as a result of interference with IP rights and the longer term impact on inward investment to the UK and innovation investment by brand owners.

To the extent that it holds such information, please provide copies of that information.

4. Please could you list and provide copies of any correspondence (including letters, emails and their attachments) sent and received between the Department of Health and any third party (including other Government Departments) relating to the plain and / or standardised packaging of tobacco products between 17 December 2010 and 16 April 2012.
5. Please could you confirm whether any meetings or conference calls have taken place between Department of Health representatives and representatives from organisations which support plain and / or standardised packaging of tobacco products (including, without limitation, members of the Plain Packs Protect Partners, listed for ease of reference at Appendix 1 below), between 17 December 2010 and 16 April 2012? Please could you provide copies of any minutes, agendas or notes of such meetings or conference calls.
6. Please could you confirm the extent of funding (if any) which the Department of Health has (in whole or in part) provided for campaigns, projects, research or analysis in respect of the packaging of tobacco products, including plain and / or standardised packaging for tobacco products, for the period from 17 December 2010 to 16 April 2012 and provide a list of any such campaigns, projects, research or analysis benefiting from this funding.

If the Department of Health considers that the 'appropriate limit' under the Freedom of Information Act 2000 would be exceeded by these requests, please could you provide us with advice and assistance so as to help us refine our request to comply with the appropriate limit. British American Tobacco is prepared to pay reasonable costs associated with this request, to the extent they are incurred above the appropriate limit set out in applicable legislation.

We look forward to hearing from you.

Yours faithfully

  
Herbert Smith LLP



Herbert Smith

Date  
23 April 2012  
Letter to  
Customer Service Centre

**Appendix 1: Members of the Plain Packs Protect Partnership**

Smokefree South West

Action on Smoking and Health (ASH)

ASH Wales

ASH NI

ASH Scotland

The British Heart Foundation

British Thoracic Society

Cancer Research UK

Chartered Institute of Environmental Health

CutFilms

Faculty of Public Health

Fresh

National Heart Forum

NHS Centre for Smoking Cessation and Training

Royal College of Physicians

Roy Castle Lung Cancer Foundation

SmokefreeLines

The Trading Standards Partnership in the South West (SWERCOTS)

Solutions 4 Health

Tobacco Free Futures

Tobacco Control Collaborating Centre



From the Rt Hon Andrew Lansley CBE MP  
Secretary of State for Health



Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 4850

PO00000697963

Ms Alison Cooper  
Chief Executive Officer  
Imperial Tobacco  
PO Box 244  
Southville  
Bristol BS99 7UJ

17 MAY 2012

Dear Ms Cooper,

Thank you for your letter of 20 April about statements attributed to me in *The Times* on Friday 13 April.

As I made clear in my interview with Anushka Asthana, *The Times* journalist, my objective as Health Secretary is to deliver better health through a healthier population. It is regrettable that the comments quoted in *The Times* article were made out of the context of my very clear statements about my health objectives. I make no apology for the fact that cutting smoking prevalence is a key public health priority for this Government, as it has been for its predecessors. As you know, smoking is the primary cause of preventable morbidity and premature death, accounting each year for over 100,000 deaths in the UK. One out of every two long-term smokers will die prematurely from a smoking-related illness.

We must do everything we can to stop future generations from taking up smoking, and suffering the enormous health burden that comes from smoking-related disease. We want to support the majority of smokers who say they want to quit, and help them to do so. We also need to support those who have quit from relapsing back into smoking.

If we are successful in our strategy to reduce smoking rates significantly, an inevitable consequence of this will be that over time less and less tobacco would be sold. It is smoking that we aim to reduce and consequently the sale of tobacco products. For the good of public health, we are trying to arrive at a point where there is no smoking in this country. A smoke-free society has been the objective of this and previous administrations.

As I also discussed with Ms Asthana, and as is set out very clearly in *Healthy Lives, Healthy People: A Tobacco Control Plan for England*, the Government takes very seriously its obligations as a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), which places obligations on parties to protect the development of public health policy from the vested interests of the tobacco industry.

These are the legitimate aims of the Government and this is the context of my comments that were quoted in *The Times*.

As I am sure you will be aware, the Government has recently launched a consultation on tobacco packaging. The purpose of the consultation is to seek views as to whether standardised, or 'plain', packaging of tobacco products would contribute to the Government's legitimate objective to improve public health.

I have an open mind at this stage about introducing standardised packaging, and the consultation sets out a number of options. The Government will duly consider all consultation responses before any decision is made.

In considering possible action on tobacco packaging, our aim is to improve public health, which is a legitimate objective of a responsible Government.

You are right that this Government has made it a priority to promote business, as demonstrated through the Growth Review. Through the consultation, we will ensure that everyone with an interest has the opportunity to make their views known, and that we better understand the potential impact that standardised packaging of tobacco may have in terms of both public health and business.

I would encourage Imperial Tobacco to respond to the consultation in order that the views of all interested parties may be taken into account as part of a transparent and proportionate debate.

I have copied my reply to the Prime Minister, the Chancellor of the Exchequer and the Secretary of State for Business, Innovation and Skills.

A handwritten signature in black ink, appearing to read 'Andrew Lansley', written over a horizontal line.

**ANDREW LANSLEY CBE**



Our ref: TO00000698210

Your ref: 2465/30923038

Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 4850

Ms Nusrat Zar  
Herbert Smith LLP  
Exchange House  
Primrose Street  
London EC2A 2HS

22 May 2012

Dear Ms Zar,

Thank you for your letter of 23 April making a request under the Freedom of Information (FOI) Act (2000), on behalf of British American Tobacco (UK) Limited, requesting a variety of information in relation to tobacco packaging and the current consultation on packaging of tobacco products.

I can confirm that the Department may hold information relevant to your request.

However, complying with your request as it is currently framed would exceed the cost limit as set out in Section 12(1) of the FOI Act. Section 12(1) states that a public authority can refuse a request if complying with it would exceed the appropriate limit of £600 (which represents 3.5 working days or 24 working hours). This represents the estimated cost of one person spending this time in determining whether the information is held, and locating, retrieving and extracting the information.

You may wish to refine your request for information within more specific margins in order that we may be able to continue processing your request. For example, you may wish to reconsider the time period covered by your request or to limit your request to information held by particular teams in the Department. You may find it helpful to visit the Department's organogram. This can be found on the Department's website at [www.dh.gov.uk](http://www.dh.gov.uk) by typing 'organogram' into the search box.

You may also wish to refine the description of the type of information that you seek. For example, you ask for "...factual information *of evidential relevance*...". This is a very broad-ranging request with no clear specific criteria on how individual items of information should be assessed as being relevant.

I should point out, however, if you were to refine your request and that if we did then identify material within the scope of your request and within the maximum section 12 prohibitive costs level, we will consider whether any other exemptions are engaged, depending on the nature of the material we identify.

You may be interested in the following publicly available material which may be of relevance to your request:

- To inform responses to the consultation and any subsequent policy-making, the Department of Health in England commissioned a systematic review of the evidence on plain tobacco packaging. The review was supported through the Public Health Research Consortium (PHRC), a network of researchers funded by the Department of Health's Policy Research Programme. The review was undertaken by academics at the University of Stirling, the University of Nottingham and the Institute of Education, London.
- The resulting report has been peer-reviewed in accordance with the Department of Health's Research Governance Framework<sup>1</sup> and is available on the PHRC's website at the link below.
- The PHRC report represents the work and views of the authors, not necessarily those of the Department of Health.
- The report is available on the PHRC's website at <http://phrc.lshtm.ac.uk/> by clicking on the 'Projects' tab, 'by theme', 'smoking'.
- A consultation-stage Impact Assessment has been prepared and is published alongside the consultation document, to inform responses to the consultation. The information is available on the Department's website at the following link:  
  
<http://consultations.dh.gov.uk/>.
- An initial assessment of the impact on equality has been prepared and is published alongside the consultation document at the above link.

I hope that this reply is helpful. If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

<sup>1</sup> The Department of Health's *Research Governance Framework for Health and Social Care* is available on the internet at [www.dh.gov.uk](http://www.dh.gov.uk) by typing its title into the search box.





If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team  
Department of Health  
Room 317  
Richmond House  
79 Whitehall  
London SW1A 2NS

Email: [freedomofinformation@dh.gsi.gov.uk](mailto:freedomofinformation@dh.gsi.gov.uk)

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Yours sincerely,

Freedom of Information Officer  
Department of Health



Consultations Coordinator  
Department of Health  
3E48, Quarry House  
Leeds LS2 7UE

25 May, 2012

Dear Sir,

Consultation on Standardised Packaging of Tobacco Products

I am writing as an independent retailer and spokesman for the Tobacco Retailers' Alliance (TRA) which is a campaign which represents the views of 26,000 independent shopkeepers across the United Kingdom.

I am getting in touch with you to express my disappointment that the Government is only making available the consultation documents on standardised tobacco packaging in English and Welsh.

All of the UK's corner shopkeepers will be affected if standardised packaging is introduced and for a good many of them, English is not their first language. The consultation documents are wordy and lengthy and could be intimidating even for those fluent in English, let alone those who are not. It seems most unfair that such a sizeable group of people - all of whom will potentially be affected by this issue - should not be given the same access to the information as everyone else.

I would formally request that the Government prepare the documents in other languages such as Gujarati, Urdu and Tamil, and allow those who speak those languages to be given the same full three month period in which to respond to the issue. It is not right that the speakers of these languages should have less time to put their views across than those who speak English and Welsh.

I look forward to hearing from you.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Suleman Khonat'. The signature is written in a cursive style with a long horizontal line extending from the end.

Suleman Khonat, *Blackburn Retailer, North West Spokesman, Tobacco Retailers Alliance*

cc. Mark Prisk, *Minister of State for Business and Enterprise, Department for Business, Innovation and Skills*



8 June 2012

Suleman Khonat  
Tobacco Retailers Alliance  
PO Box 61705  
London  
SW1H 0XS

*Tobacco Programme  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG*

Dear Suleman

**Consultation on standardised packaging of tobacco products**

Thank you for your letter of 25 May 2012 to the Department of Health's Consultation Coordinator, regarding the consultation on standardised packaging of tobacco products. Your letter has been passed to me to respond.

As set out in the consultation document (paragraph 8.4), anyone who wants to obtain a copy of the consultation document in an alternative format, or who needs to respond in an alternative format, should contact the Department using the details below:

Email: [tobaccopacks@dh.qsi.gov.uk](mailto:tobaccopacks@dh.qsi.gov.uk)

By post: Tobacco Packs Consultation  
Department of Health  
7<sup>th</sup> Floor  
Wellington House  
133-155 Waterloo Road  
London  
SE1 8UG

We have translated versions of the document in Gujarati, Urdu and Tamil that will be made available on request. Following your request, we enclose copies of the Gujarati, Urdu and Tamil translated versions. We would be happy for the Tobacco Retailers Alliance to distribute these to your members, so you can support them to respond to the consultation.

We have also shared these versions with contacts from the Association of Convenience Stores, British Retail Consortium, the National Federation of Retail Newsagents, and with Asian Trader magazine. To date we have not received any requests from individuals or other trade organisations for any alternative formats to be made available.

The consultation on standardised packaging for tobacco products was published on 16 April 2012, and will be open to responses until 10 July 2012. We encourage all those with an interest to respond to the consultation.

Responses can be made via the email and postal addresses given above, or online at:

<http://consultations.dh.gov.uk/tobacco/standardised-packaging-of-tobacco-products/>

Please get in touch if we can be of any further assistance.

Yours sincerely,

Tobacco Programme Manager  
Department of Health

CC: Department of Health Consultations Co-ordinator

HI&P Documents - Unformatted Document

**"Letter re: standardised packaging consultation - including attachments"**

File Reference: TCP/018 Vol 4

File Title: Tobacco Control Plan - Packaging (cross ref: TOQ/005/006/008)

Filed by: 08/06/2012 at 15:14

Created by: 3/06/2012 at 15:00

Recipients: andTo, CopyTo & BlindCopyTo if applicable)

**Document Security:**

Who can read? All readers of this document database

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08/06/2012 15:00

To the-ira.org.uk

cc

bcc

Subject Letter re: standardised packaging consultation - including attachments

My apologies, I had forgotten to attach the translated versions of the document.



Gujarati - 27509-standardised packaging of tobacco products.pdf



Tamil - 27509-standardised packaging of tobacco products.pdf



Urdu - 27509-standardised packaging of tobacco products.pdf

Many thanks

-----  
Tobacco team, Department of Health  
Wellington House

----- Forwarded by /DOH on 08/06/2012 14:56 -----

08/06/2012 14:53

To @the-ira.org.uk

cc consultations.co-ordinator/OIS/DOH@DOH,

Subject Letter re: standardised packaging consultation

Dear

Please find attached a response to Suleman Khonat's letter of 25 May 2012. A hard copy has also been sent to the PO Box address given.



120608 reply to TRA.pdf

Many thanks

-----  
Tobacco team, Department of Health  
Wellington House

@the-tra.org.uk>  
25/05/2012 11:21

To consultations.co-ordinator/OIS/DOH@DOH  
cc  
Subject Letter

Please find attached a letter from Suleman Khonat, a retailer from Blackburn and the North West spokesman for the Tobacco Retailers Alliance, relating to the current government consultation into standardised packaging.

Can you confirm receipt?

Many thanks

Tobacco Retailers Alliance

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# Herbert Smith

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By email and by post

Our ref  
2465/30923038  
Your ref  
T000000698210  
Date  
12 June 2012

Dear Sirs

## Information request under the Freedom of Information Act 2000

We refer to your letter of 22 May 2012 in response to our request for information under the Freedom of Information Act 2000 on behalf of British American Tobacco (UK) Limited relating to the potential introduction of plain/standardised packaging of tobacco products, which we sent under cover of our letter dated 23 April 2012.

You have stated that you "may hold" information responsive to our request, but that you believe that complying with our request as it is currently framed would exceed the appropriate cost limit of £600. It is unclear from your response whether you believe the appropriate limit would be exceeded by establishing whether you hold such information or whether it would be exceeded by providing information that you hold. Please could you clarify this point.

More importantly, you have not provided any information as to why you believe this to be the case or how you came to this estimate. You will be aware that a public authority can only withhold information on the grounds that the appropriate limit would be exceeded on the basis of a reasonable, sensible and realistic costs estimate, based on cogent evidence. Please could you explain the basis of your estimate, as at this stage we are not in a position to determine whether you have complied with your obligations under the Freedom of Information Act 2000.

Notwithstanding these failures to explain the basis of your costs estimate, we are prepared to limit our request to the following information (which corresponds to the requests numbered 2 and 3 of our original request for information):

1. Please could you confirm whether any evidence has been commissioned by the Department

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Herbert Smith

Date  
12 June 2012  
Letter to  
Freedom of Information Team

of Health or provided to the Department of Health by third parties during the period from 17 December 2010 to 16 April 2012 in connection with any potential link between the packaging of tobacco products and the taking up of smoking among children or young people? To the extent that it has, please provide copies of this information.

2. Please could you confirm whether any evidence has been commissioned by the Department of Health or provided to the Department of Health by third parties during the period from 17 December 2010 to 16 April 2012 in connection with the proposals for plain and / or standardised packaging for tobacco products (in particular in connection with the formulation of the impact assessment published in connection with the recent consultation on these proposals), relating to:
  - a. the competition, trade and legal implications of the proposals;
  - b. the likely impact on the illicit tobacco market of the proposals;
  - c. the public health benefits of the proposals;
  - d. the likely distributional impacts of the proposals, i.e. the possibility of disproportionately affecting one group in society, for example, impacts on tobacco companies, their supply chains, retailers, consumers, countries with significant investment and involvement in the tobacco trade;
  - e. the relative price movements likely to arise if the proposals were introduced, i.e. the consequences of the policy in terms of distorting or changing market forces and the wider cost or benefits that may result;
  - f. the likely tax effects of the proposals;
  - g. the likely dynamic effects of the proposals, including the timing of any policy effects and whether lasting change is created; or
  - h. the likely unvalued effects of the proposals, i.e. costs and benefits which cannot be assigned a monetary value through weighting or other means, for example, the impact on all branded goods sectors as a result of interference with IP rights and the longer term impact on inward investment and innovation investment by brand owners.

To the extent that it holds such information, please provide copies.

We would be willing for the search for the requested information to be limited to the particular teams in the Department of Health which have been involved in preparing the plain packaging consultation published on 16 April 2012.

If the Department of Health considers that the reworded request would still exceed the appropriate limit, we would ask that you please explain the evidence you have relied on to come up with this estimate.

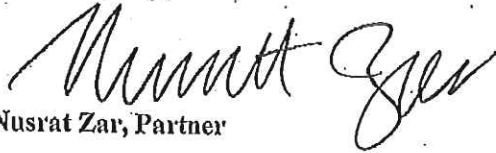


Herbert Smith

Date  
12 June 2012  
Letter to  
Freedom of Information Team

We look forward to hearing from you as soon as possible and would be grateful if you could confirm when you expect to be able to respond.

Yours sincerely,



Nusrat Zar, Partner

Herbert Smith LLP



# Herbert Smith

Freedom of Information Team  
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By post and by email

Our ref  
2466/30923038  
Your ref

Date  
12 June 2012

Dear Sirs

## Information request under the Freedom of Information Act 2000

This letter is a request for information under the Freedom of Information Act 2000 on behalf of British American Tobacco (UK) Limited relating to the display ban on tobacco products which came into force on 6 April 2012.

1. Please could you confirm whether the Department of Health holds any quantitative or qualitative evidence, such as reports, studies or statistical data, relating to how effective the implementation of the display ban has been to date, in particular in terms of:
  - (i) reducing the uptake of smoking by children and young adults; and
  - (ii) reducing consumer demand for tobacco products (for example in terms of any effect on the number of tobacco products sold by retailers affected by the display ban compared to the period prior to when the ban came into force); and
  - (iii) whether the impact of the display ban is in line with expectations or forecasts prior to the introduction of the ban.

If the Department of Health holds such information, please provide copies.

2. Please could you confirm whether the Department of Health holds any quantitative or qualitative evidence, such as reports, studies or statistical data, held by the Department of Health which relates to:
  - (i) the effect the implementation of the display ban has had to date on demand for branded tobacco products; or
  - (ii) imports of tobacco products into the UKcompared to the period prior to when the ban came into force.

If the Department of Health holds such information, please provide copies.

3. Please could you confirm whether the Department of Health holds any information,

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Herbert Smith

Date  
12 June 2012  
Letter to  
Freedom of Information Team

including any reports, studies, correspondence or meeting notes, which discusses whether the implementation of the display ban will have any impact on the implementation of proposals for plain packaging of tobacco products, either:

(i) in terms of the timing of the introduction of any such proposals, e.g. the extent to which the timetable for introducing plain packaging would be influenced by the impact of the display ban; or

(ii) as to nature or scope of the plain packaging proposals, e.g. the extent to which the introduction of plain packaging proposals would be influenced by evidence as to the effectiveness of the display ban.

If the Department of Health holds such information, please provide copies.

We would be willing for the search for the information requested under (1) and (2) above to be limited to the particular teams in the Department of Health which have been involved in implementation of the display ban and under (3) to be limited to the particular teams in the Department of Health which have been involved in preparing the plain packaging consultation published on 16 April 2012.

In the event that the Department of Health considers that copies of any documents which are responsive to our requests are exempt from disclosure, we would be grateful if the Department of Health could list what these documents are and explain why it considers that each document in question is exempt from disclosure.

We look forward to hearing from you as soon as possible and would be grateful if you could confirm when you expect to be able to respond.

Yours sincerely,

  
Nusrat Zar, Partner  
Herbert Smith LLP