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30th August 2012

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Dear

Thank you for your recent letters highlighting issues with the collection of signatures by FOREST (Freedom Organisation for the Right to Enjoy Smoking Tobacco) during the Hands Off Our Packs (HOOP) campaign. We were disturbed to hear of your concerns and the incidents that you outlined. As you already know, I unfortunately did not receive either of the letters until I received them by email on 16 July 2012.

I am sorry for the delay in reverting to you substantively. There was quite a lot of detail in your letters and emails that required investigation and the holiday season has proven a challenge. I wanted to be able to come back to you as comprehensively as possible.

First, I can confirm that the names and addresses of over 235,000 people opposed to 'plain' packaging of tobacco were delivered to the Department of Health (Waterloo Road, London SE1) on Wednesday 8th August. They were submitted in response to the consultation on the standardised packaging of tobacco products. FOREST's written response was submitted separately the same day.

I will deal with your various letters/points in the following order:

- A. The 14 June Waterloo Station incident
- B. The issue with the medical student, laid out in your letter of 20 June 2012
- C. The email you received, dated 25 June 2012
- D. The email you received, dated 27 June 2012
- E. The email you received, dated 2 July 2012
- F. Your questions on page two of your letter dated 20 June 2012

A. The 14 June Waterloo Station incident

I will first of all let you have my response to the incident you described having happened on 14 June at 2.10pm. Tribe Marketing Limited ("Tribe"), the agency that was engaged to assist in the canvassing of opinion and recording of opposition to standardised packaging, has now investigated this matter. An individual who was working at Waterloo Station on that day has confessed to forging two signatures on his forms. He told Tribe that he was sitting on a bench on his break and called his girlfriend and best friend to ask if they would sign the petition. They agreed and he filled it out on their behalf. As he was doing so he states that a man approached, "snatched" the forms from him, and asked what he was doing. The individual says he explained the HOOP campaign. He states that he knows he was stupid and that he had been told by his team leader not to forge signatures.

Unfortunately it is not possible to extract from the bundles of signed HOOP forms those forms that were submitted from the individual at Waterloo Station that day because we did not "code" the forms and they are therefore indistinguishable. Perhaps the best option in respect of the two individuals is to discount their signatures from the total number submitted to the Department of Health. Whilst the signature collector claims they were happy for their opinion to be submitted, the signatures on the forms are not theirs and we are happy for them to be discounted.

B. The issue with the medical student, laid out in your letter of 20 June 2012

Regarding the incident and specific questions laid out in your letter of 20 June 2012, please note that it is completely untrue that individuals would not be paid if they did not acquire a certain number of signatures. Whilst I appreciate that he states to have done so out of pity for his friends, it is unfortunate that the medical student felt it appropriate to sign the petition if he did not agree with it and add a false name to the signature form.

Turning to the emails that you received on 25 and 27 June 2012 and 2 July 2012:

C. The email of 25 June 2012

It is unfortunate that the writer's husband was apparently prepared to sign the petition even though he did not seem to understand what it was for. All signature collectors were thoroughly briefed about the nature of the HOOP campaign and were very clear in their description of the campaign and what plain packaging would mean. As you will see further below, the teams received a full briefing and were able to explain confidently the nature of the campaign. I do not agree that the t-shirts were in any way misleading. As to the suggestion that people were being told that the government would be removing health warnings from packs, I can assure you that the signature collectors were never briefed that this would be the case. I disagree that approaching adults in a park with children present was unethical. All adults, including parents, have the right to respond to a public consultation and should be given that opportunity.

D. The email you received, dated 27 June 2012

It was not part of Tribe's brief to approach people inside clubs. The activity was focussed on outdoor canvassing of opinion and to Tribe's knowledge there was no deviation from this. In addition, there was a strict (and modest) uniform for Tribe personnel, so we cannot agree with the assertion that "the girls were dressed in very little".

E. The email you received, dated 25 June 2012

As per the above (and as explained more fully below), the signature collectors received a full briefing and would have been able to confidently explain the nature of the campaign and the issues. I disagree that the quotation from the teenager means that the signature collector had equated the consultation with an intention by the government to ban cigarettes. As you will see further below, the very clear brief was that only adults were to be approached. Your writer does not hazard a guess as to what age the teenagers were, but clearly if they were aged 18 or 19 then they were as entitled as any other adult to voice their opinion. Of course I agree that before signing up to any campaign individuals should understand what they are signing up to. This was made very clear to our signature collectors.

F. Your questions on page two of your letter dated 20 June 2012

Answering the questions on page two of that letter:

1. *Did you engage any agencies or contractors to collect signatures? If so, please provide the names of the agencies.*

As mentioned above, I confirm that Tribe Marketing Limited ("Tribe") was engaged to collect signatures in support of the HOOP campaign.

2. *What is the basis upon which those obtaining signatures were employed? Are any incentives being offered as part of their remuneration? If individuals are being remunerated, is part or all of their pay dependant upon the number of signatures they obtain?*

Tribe's involvement in the campaign began on 17 May (and not on, or before, 16 April). Those obtaining signatures were paid an hourly rate. For a very short period, on its own initiative and without our knowledge, Tribe incentivised signature collectors based on volume of signatures during the last two weeks of June. As soon as this practice became apparent Tribe was asked to end it immediately.

The incentive was based on a "top team per day" basis which is a mechanic that is common in this sector. For instance, the team who performed the best got a bonus. This incentive was in addition to their full pay. I can confirm therefore that there is no truth in the implication that signature collectors engaged by Tribe would not be paid if they did not acquire a certain number of signatures.

3. *What is the process by which signatories are being collected? What instructions have been provided by Forest about the petition to any agencies employed or to those obtaining signatures directly?*

The primary way in which signatures have been collected is by signature collectors going out and about in public:

a. The signature collectors were informed that the government was holding a public consultation on whether to introduce plain packaging for tobacco products.

b. It was explained that this could mean that all cigarette and roll-your-own packs would have to use a standard colour and font, with large health warnings and no logos or branding at all.

c. It was confirmed that the consultation would close on 10 July 2012 (albeit as you know this ended up being extended to 10 August 2012).

d. It was outlined that the government had indicated that it had an “open mind” on the question of plain packaging for tobacco products, and had encouraged responses from all interested individuals, businesses and organizations.

e. The HOOP campaign was explained and signature collectors were told that it was owned and managed by FOREST.

f. They were also told that FOREST is in turn supported by tobacco companies (British American Tobacco, Imperial and Japan Tobacco International).

g. It was explained that the campaign was established to enable those opposed to plain packaging to respond to the consultation via a petition – both online and on paper - and that the aim of the HOOP campaign was to give adults opposed to standardised packaging an opportunity to respond to the public consultation.

h. The signature collectors were instructed that only adults (ie people aged 18 years and above) should be approached.

i. The agreed approach was “Light and Simple” – adults were to be approached in a friendly, non-invasive manner.

j. People were asked if they would be willing to take a moment to sign the petition against plain packaging.

k. People were to be asked if they knew that the government was considering the introduction of plain packaging for tobacco products, taking all the colours and logos off the packs.

l. People were then to be asked if they were opposed to plain packaging and, if so, they were asked if they would like to sign the petition. It was made clear that if people were not interested, or wanted to get into a serious debate, then the signature collectors were to thank them for their time and move on.

m. If people asked for or wanted more information the signature collectors were briefed on the dangers of illicit trade, the impact on branding, and freedom from the nanny state.

4. *How many individuals have been engaged to collect signatures?*

Tribe engaged 639 people to collect signatures.

5. *Where have those collecting signatures been located?*

We collected signatures in over 30 locations across the UK, partly to avoid the threat of duplication but also to ensure and demonstrate the nationwide nature of our campaign. Towns and cities included Bristol, Cardiff, Swansea, Scarborough, Oxford, Birmingham, Manchester, Liverpool, Leeds, Bradford, Wolverhampton, Nottingham, Leicester, Newcastle, Middlesbrough, London, York, Glasgow, Edinburgh, Sheffield, Aldershot, Guildford, Portsmouth, Southampton, Bridlington, Skegness, Sunderland, Aberdeen, Lancaster, Blackpool, Brighton, and Newquay.

6. *Finally you have asked how we are ensuring and verifying that the petition only includes names and addresses of actual people, who have signed the petition of their own accord.*

The following steps have been taken to verify authenticity of signatures:

- i. We have written to a random selection of 1,000 signatories to confirm that their signatures are genuine;
- ii. Tribe regularly reminded signature collectors that falsification of signatures is an offence;
- iii. When counting the signatures a visual inspection was conducted and those that looked obviously fake (eg a cartoon character's name) were discounted;
- iv. Recording of opposition to plain packaging was conducted throughout the UK to minimise duplication (ie the same people being approached on more than one occasion);
- v. There was a contractual provision in the contract with Tribe whereby it was to use its best efforts to ensure that all signatures obtained were genuine and freely given by members of the public who are aged 18 years and above.

I trust that this answers all of your questions.

Finally, I would like to put the complaints that you have received into context. You have outlined five very specific incidents that, as outlined above, we were disturbed to hear about and have treated seriously, as I trust this letter demonstrates. These have been received in the context of almost **a quarter of a million** signatures, submitted by FOREST, opposing plain packaging. The scale of the public response against standardised packaging of tobacco products has therefore been nothing short of overwhelming, and I hope you will not lose sight of that.

Please do not hesitate to contact me again should you have any further queries.

Kind regards.

Yours sincerely,

Simon Clark
Director, FOREST

