



"Enquiry Enquiry
(Other Government
Departments)"
<Enquiry.Enquiry@bis.
gsi.gov.uk>
13/08/2012 15:22

To MB-Ministerial Transfers/OIS/DOH@DOH
cc
bcc
Subject FW: Philip Morris Submission - Consultation on
Standardised Packaging of Tobacco Products - August 2012

Dear Colleague,

The BIS Enquiry Unit has received this email from a public enquirer, about a matter which appears to be the responsibility of your Department.

Please reply to the enquirer direct. There is no need to copy your reply to us or to let us know that you are replying.

If you are not the right Department to answer this enquiry, please let us know by email reply with 5 working days or we will assume that you are dealing with it.

The BIS has a target of 15 working days to respond to all correspondence, including emails.

Thank you for your co-operation.

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From: [redacted] [mailto:[redacted]@pmi.com]
Sent: 13 August 2012 14:29
To: Enquiry Enquiry (Other Government Departments)
Subject: FW: Philip Morris Submission - Consultation on Standardised Packaging of Tobacco Products - August 2012

Dear Dr Cable

I would like to share with you the Philip Morris Ltd submission to the consultation on Standardised Packaging of Tobacco Products. Attached is the full submission and also a short summary of the key points.

In particular, I would like to draw your attention to:

1. An opinion included as Annex 5, by Lord Hoffmann, retired Law Lord, arguably the UK's most respected legal mind over the past 30 years, and currently Chair of the Intellectual Property Institute's Research Council who states:

- *"A prohibition on the use of a mark is in my view a complete deprivation of the property in that mark, notwithstanding that the proprietor might be able to distinguish his goods by the use of some other mark."*

- *"I can see no reason why depriving someone of his proprietary interest in a trade mark for a tobacco product (however much it may be in the public interest to do so) should be different in principle from any other deprivation in which compensation is required."*

2. A report included as Annex 4, by James J. Heckman, a Nobel Prize-winning economist specialising in determining why people behave as they do, who reviewed a vast amount of literature on the causes of youth smoking and concluded that:

- *"The economics and public health literatures have extensively investigated the causes of smoking behavior. These literatures have identified multiple causal factors affecting youth smoking behavior, such as prices, parental and peer smoking, early family environments and investments in children."*

- Decades of peer-reviewed publications by other experts support Dr Heckman's conclusion: young people start smoking because of social circle interactions and peer pressure, not because of brands or packaging.

In addition to these key annexes, the key points included in our submission include:

- The evidence for plain packaging does not meet the standards set by the DH
- Plain packaging will not prevent youth smoking and may even encourage it
- Plain packaging will not make it easier to quit smoking
- Plain packaging will increase the levels of illicit tobacco in the UK
- Plain packaging will require the Government to compensate tobacco companies and will cost UK taxpayers billions of pounds
- Philip Morris supports effective regulation to address youth smoking

I am available at any time should you have any queries and I look forward to discussing our submission with you in the future.