

July 25th 2012

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

Dear Sir

With regard to the current public consultation on the plain packaging of tobacco, I would like to raise concerns regarding the activities of state-funded groups in promoting one particular outcome on a policy upon which I assume the government is neutral.

If the public consultation really is to determine the views of the population, I am sure you can agree that no government money should be expended in attempting to marshal opinion in one direction or another.

I am therefore deeply concerned to find that both local government organisations as well as publicly funded NHS health bodies have engaged in wholesale promotion of the introduction of plain packaging (see Appendix A and B), in a format intended only to elicit political support – and communicating no educational information about the issue. Indeed, it is very much the sort of publicity one would expect in a full blown party political election campaign.

This sort of PR effect can, surely, only be intended to have a clear and direct effect on the attitudes and actions of the general public.

The activities identified are not limited to “informing” the public of the existence of the public consultation. Nor are they limited to “contributing to the consultation”.

There is a clear and unambiguous effort by vast numbers of government organisations to influence the process, actively urging the public to sign up to a specific petition (plainpacksprotect) that is intended to secure the introduction of this government proposal.

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I have yet to find a single piece of information provided by public authorities on the potential downsides of plain packaging. For example, there is no local authority or PCT in the country running a poster or twitter campaign saying "Vote No to Plain Packs, It Will Help the Mafia Sell to Your Children". Yet, there are (highly emotive) messages on the other side of the argument urging the public to sign a particular petition, apparently paid for by the taxpayer.

Having considered the information laid out in Appendix A & B, I am certain you will be agree that many local government associations have fallen foul of the "Code of Recommended Practice on Local Authority Publicity".

It would also be true that many NHS trusts have crossed the boundary between providing "public health information" and engaging in political campaigning.

I enclose a range of examples of the campaigning undertaken by the public sector with regard to this consultation and look forward to your swift response as to how their efforts will be discounted in anything that can claim to represent a genuine consultation of the public.

Furthermore, I would be grateful if you could inform me of the remedies and/or disciplinary action which I (or other taxpayers) may be able to take against those who have engaged in the activities listed below. Or, in the alternative, to whom I should refer such a complaint.

I am particularly eager for your assurance that all and any consultation responses from the "plainpacksprotect" campaign will be wholly disregarded and dismissed from any consideration – at least quantitatively - within the remit of the "public" consultation.

As the Consultations Coordinator I am confident you will agree that they should in no way at all be included in your overall statistical analysis or in any guidance or "final tally" you may choose to issue to the Her Majesty's government or the media.

For information, I am forwarding a copy of this document to both Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government & Andrew Lansley CBE, MP, Secretary of State for Health, as well the Prime Minister's office.

Given that the consultation concludes on August 10th, I would appreciate confirmation of your receipt of this document as soon as possible, and would be grateful to hear your views on this issue, as soon as possible thereafter. Email is my preferred method of communication – see contacts below.

Yours sincerely

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