

Simon Clark
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07/09/2012 09:01

To [REDACTED] PH3/DOH/GB@DOH
cc
Subject Letter and documents for [REDACTED]

Dear [REDACTED],

Further to my letters of 30 and 31 August, please find attached a further letter that contains a number of points and questions about the Plain Packs Protect campaign. The letter makes reference to three documents that are also attached.

I would be grateful if you could confirm receipt of this letter and I look forward to a full response in due course.



Your sincerely,

Simon Clark
Director, Forest

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ForestLetter [REDACTED] 070912.pdf Local Authority Publicity CoP.pdf



7th September 2012

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Dear [REDACTED]

Further to my letter of 30 August in which I responded to a number of questions you asked about the Hands Off Our Packs campaign, I am now writing to record some of the concerns that we have about the tactics employed by the Plain Packs Protect campaign.

I would be grateful for your response to the following.

1. Government lobbying government

As per our letter to the Consultations Coordinator dated 25 July (please find attached), I would like to express our deep concern that both local government organisations as well as government-funded NHS health bodies (including PCTs) have actively engaged in wholesale support for the introduction of plain packaging.

There has been a clear and unambiguous effort by a significant number of government organisations to influence the public consultation process in favour of standardised packaging of tobacco. This activity goes far beyond advising the public of their views on matters of public health; it includes the use of public information channels (websites, newsletters, Twitter etc) actively urging the public to sign up to a specific petition – Plain Packs Protect.

The evidence collated (attached) suggests that these government-funded organisations have been supplied with worded templates, key phrases and logos from the Plain Packs Protect campaign. This in turn suggests that many local government associations may have fallen foul of the Code of Recommended Practice on Local Authority Publicity (see latest version attached).

In particular I would like to draw your attention to paragraphs 15, 16 and 19 that relate to 'Objectivity' and 'Even-handedness'

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.

16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.

Even-handedness

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.

I would be grateful if you would investigate whether the code has been contravened. If you discover that it has I look forward to hearing what action you propose to take.

We are also concerned that NHS trusts have crossed the boundary between providing "public health information" and engaging in substantial, overt political campaigning. The use of emotive language such as "Protect Our Children – Support Plain Packs" may be an acceptable campaign slogan but we question whether it should have been used by the National Health Service in the course of dispensing "health information" to patients, especially during an allegedly impartial "public" consultation.

It is clear that many signatures in support of plain packaging have been acquired only by utilising the significant, and privileged, contacts and resources of a large number of government-funded organisations with the full knowledge and assistance of the Plain Packs Protect campaign. This has undoubtedly confused the public as to the status of the plain packaging policy proposal on which the government has stated it is "open-minded".

These concerns lead us to query the legitimacy of many of the signatures secured for the Plain Packs Protect campaign during the public consultation on standardised packaging of tobacco products.

We would welcome your views on this matter and whether you plan to isolate and identify signatures generated for the Plain Packs Protect campaign through the inappropriate use of public information channels.

2. "Working for the government"

A woman employed to collect signatures for Plain Packs Protect was seen in Bristol wearing a jacket with the message "Protect our children. Support plain packs." Plus the campaign URL "www.plainpacksprotect.co.uk". Other signature collectors have been seen wearing identical jackets so we must assume this was standard uniform for all signature collectors employed by Plain Packs Protect. When approached by a member of the public, however, the signature collector in Bristol told him she was "working for the government".

Given that the Plain Packs Protect campaign has received almost half a million pounds of public money (Public money used to lobby government on plain packaging, Hands Off Our Packs, 2 April 2012) it is understandable that someone collecting signatures for the campaign might be under this illusion. It is however untrue and extremely misleading, as I am sure you will agree.

Again, I invite you to investigate and look forward to your response.

3. Direct lobbying of politicians

It has also been brought to our attention that some pro-plain packaging campaigns have engaged in the process of automatically forwarding pro-plain packaging signatures directly to Members of Parliament. It is our belief that this has been done without verification of the signatures leading to the names of some people being put forward who do not in fact support plain packaging. Even those supporting the policy may have had their names forwarded to their local MP without their knowledge.

We are very concerned that not only may some people's names have been forwarded to MPs without their consent but, on occasion, erroneously. This will inevitably have led to some Members of Parliament receiving a distorted view of the level of public support for this measure and may indeed have led to some politicians making public declarations of support for plain packaging.

As you will appreciate, this is a very serious matter. We would therefore ask you to establish whether the practice of automatically forwarding signatures to MPs has been deployed by pro-plain packaging campaign groups. If so, can you confirm that you will (a) inform all Members of Parliament of this activity, (b) ascertain whether such emails are valid and, (c) where valid, have been done with the knowledge and consent of the person in question.

4. The Avaaz petition

I would now like to bring to your attention an extraordinary attempt to drum up support for standardised packaging of tobacco products shortly before the consultation closed on Friday 10 August.

It was conducted by Avaaz, a global campaigning organization with, allegedly, 15 million members, most of them outside the UK.

Curiously Avaaz showed no interest in the UK plain packaging consultation before the original closing date (10th July). However, a few hours after Forest announced that over 235,000 people had responded to the consultation via the Hands Off Our Packs initiative, Avaaz launched its own online petition.

Inviting supporters to sign an online petition in favour of plain packaging, Avaaz placed the following statement on its website:

We only have 48 hours left before the consultation closes. If enough of us support Health Secretary Andrew Lansley now, we can strengthen his hand to push the plan to make cigarettes uncool for teenagers by selling them in plain, non-branded packs. Click below to send him an urgent message in support of plain packs – and then tell your friends to join in and send a message too!

I would be grateful if you could comment on this statement, notably the reference to supporting Health Secretary Andrew Lansley so that "we can strengthen his hand".

The Avaaz petition was accompanied by an extremely unrepresentative (and possibly fake) image of a very young girl smoking a cigarette (see screen image attached/enclosed). Again, I would welcome your comments on this type of campaigning.

It is our understanding that Avaaz set a target of 25,000 signatures. I would be grateful if you could comment on (a) whether these signatures have been submitted in response to the consultation, (b) whether they were submitted before the closing date, and (c) whether the Department of Health intends to accept the names on the Avaaz petition as legitimate responses to the consultation.

5. Correspondence with Plain Packs Protect

In view of your letter to me dated 20 June 2012 (notably the questions on page two) I would like to ask whether you intend to write to the Plain Packs Protect campaign requesting the same information about the signature collections conducted by that campaign. In particular, will you be asking for answers to the same questions that you requested from Forest about the Hands Off Our Packs campaign? To clarify, these questions would be:

1. Did you engage any agencies or contractors to collect signatures? If so, please provide the names of the agencies.
2. What is the basis upon which those obtaining signatures were employed? Were any incentives being offered as part of their remuneration? If individuals were being remunerated, was part or all of their pay dependent upon the number of signatures they obtained?
3. What was the process by which signatories were collected? What instructions have been provided by Plain Packs Protect about the petition to any agencies employed or to those obtaining signatures directly?
4. How many individuals were engaged to collect signatures?
5. Where have those collecting signatures been located?
6. What steps did you take to ensure and verify that the petition only included names and addresses of actual people, who signed the petition of their own accord?

Finally I would like to thank you for your email of 16 July responding to my email of 12 July (to ██████████ regarding the Plain Packs Protect website which suggested that Andrew Lansley, the Secretary of State for Health, was a supporter of plain packaging.

I acknowledge your prompt action in contacting representatives of Plain Packs Protect asking them to remove the reference. I also note your statement that: "They confirmed that the inclusion of Mr Lansley as a supporter of plain packaging was an error, and they removed the reference from their website as soon as they could."

Thank you for taking the time to read this letter. I look forward to receiving a full response in due course.

Yours sincerely,

Simon Clark
Director, FOREST