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"LANSLEY, Andrew" <andrew.lansley.mp@parliament.uk>  
26/04/2012 12:11

To  
[REDACTED]/OIS/DOH@DOH  
cc

Subject  
FW: APPG on Smoking and Health Bulletin

FYI

From: Stephen Williams [mailto:appg@ash.org.uk]  
Sent: 26 April 2012 12:11  
To: LANSLEY, Andrew  
Subject: APPG on Smoking and Health Bulletin

Dear Mr Lansley

I am writing to you as Chair of the All Party Parliamentary Group on Smoking and Health enclosing the Spring 2012 edition of our Bulletin highlighting the consultation on plain packaging launched by the government on 16th April 2012. The consultation runs for three months and ends on 10th July 2012.

As was the case with the display legislation you are likely to be heavily lobbied by the tobacco industry and organisations with links to the industry against plain packaging. The government will be requiring all consultation respondents to be transparent about any tobacco industry links they may have and any parliamentarians approached by those lobbying on the legislation would be well advised to do the same.

You may find helpful a briefing prepared for the APPG on Smoking and Health by ASH which summarises known third party advocacy by tobacco industry linked organisations. I have sent a copy of the report to the Public Health Minister and to the libraries in the House of Commons and House of Lords and it is also up on the APPG website at [www.ash.org.uk/APPG](http://www.ash.org.uk/APPG).

I do hope you will be able to join me for the next APPG meeting on Monday 14th May to launch a new guide to local implementation of the Tobacco Control Plan for England, which is being held from 4.00 to 6.00 pm in the Grimond Room, Portcullis House.

With best wishes

Stephen Williams MP  
Chair of the All Party Parliamentary Group on Smoking and Health

Stephen Williams MP  
Chair, APPG on Smoking and Health

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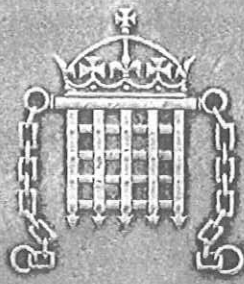
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# APPG on Smoking & Health Political Bulletin

## Lansley right to be proud of plain packaging consultation

Speaking recently at the Royal College of Physicians, the Health Secretary said that he was "proud" that the UK would be the first country in Europe to consult on plain, standardised packaging for tobacco products. He also made clear that all respondents to the consultation would be asked to declare any link to the tobacco industry.

Ensuring transparency is going to be a key challenge in this debate. The tobacco industry has a long history of using front groups and third parties to lobby on health policy. Already many of my colleagues in parliament have received correspondence from a range of organisations, many of which fail to make clear their tobacco industry connections.

The Institute of Economic Affairs (IEA) recently launched a report by John Luik and Patrick Basham. The report makes no mention of the connections between the two authors and the tobacco industry: John Luik has been paid by tobacco companies to promote their views on plain packaging and Patrick Basham runs a think-tank funded by the tobacco industry.

The Adam Smith Institute has also published a report on plain packaging. Like the IEA they made no mention of tobacco industry funding, but a direct question on the Today Programme forced author Chris Snowdon to admit that 3% of the Adam Smith Institute's income comes from the tobacco industry.

Elsewhere the Bulletin sets out how the industry is already backtracking on its claims that a point of sale display ban would prove devastating to retailers. Take note, many of these same claims are being repeated on plain packaging and are likely to prove just as unreliable.

**Stephen Williams MP, Chair,  
APPG on Smoking & Health**

## Clear majority in support of plain packaging

On 16 April the Government published a UK wide consultation on whether tobacco should be sold in standardised, plain packaging, which runs until 10 July. Recent surveys show that plain packaging would be popular with the public.

A YouGov survey of 10,000 adults in England commissioned by ASH found that when shown an image of a plain pack (see below), 62% of respondents support plain packaging, whilst just 11% oppose the measure. The survey found that more smokers support plain packaging (31%) than oppose it (25%).<sup>1</sup>

A similar YouGov survey for the Sunday Times found that support was strong across the political spectrum, with 59% of Labour voters, 58% of Conservative voters and 69% of Lib Dem voters

saying that they support making tobacco manufacturers sell all cigarettes in blank packaging without bright colours or logos.<sup>2</sup>



1. Fieldwork was undertaken between 27<sup>th</sup> February and 16<sup>th</sup> March 2012. The survey was carried out online. The figures have been weighted and are representative of all England adults (aged 18+)

2. Total sample size was 1664 GB adults. Fieldwork was undertaken between 1<sup>st</sup> and 2<sup>nd</sup> March 2012. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+)

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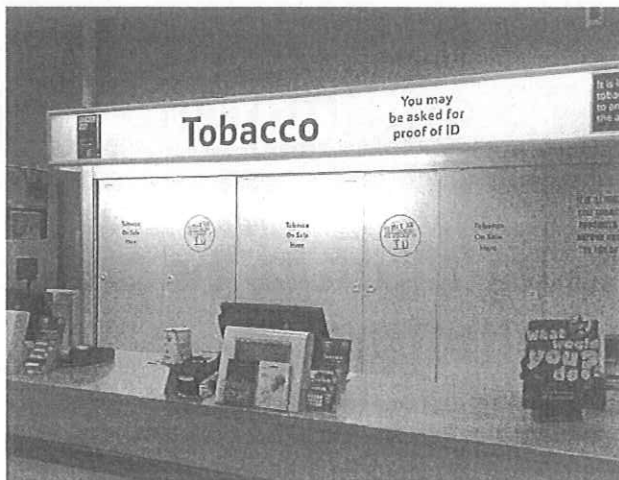
# Point of sale display ban: What happened to the tobacco industry claims?

*Big Tobacco resisted the point of sale display ban with claims that it would be devastating to UK retailers – what became of the industry's arguments?*

The ban on point of sale display of tobacco products came into effect in supermarkets and large shops in England on 6 April, and is due to be implemented in small stores (as defined by the Sunday Trading Act) on 6 April 2015.

Customers are still able to buy cigarettes as before, but putting displays out of sight protects young people from glitzy tobacco displays and promotions.

The government is to be commended for going ahead with the ban in spite of claims by the tobacco industry. MPs can be excused for thinking they're suffering *déjà vu*, as the same arguments the tobacco industry used against point of sale display bans are being recycled to argue against plain packaging. But what became of the tobacco industry's claims about point of sale displays?



Firstly, Canada's display bans started six years earlier; secondly official statistics show a net change in the number of retailers in 2008 of just 1%, and thirdly Canada experienced negative growth in three out of four quarters that year, a far more likely explanation for any store closures.

**"Now that the ban has had time to bed in, the full effect on tobacco sales can be measured. And the effect is...nothing."**

Peter Chappell, Senior Category Manager from Mac's, which operates 570 stores in Ontario

**"In trials we have found that tobacco sales volumes do not decrease."**

Christopher Street Imperial Tobacco

## Claim #1 - display bans will increase serving times

"Currently the average time spent queuing in an independent convenience store is 26 seconds... we estimate that this figure could double if a display ban was introduced." The Association of Convenience Stores.

## What actually happened? Display bans don't increase serving times

The tobacco industry now admits that in trials of the new gantries: **"Serving times tended to increase at the start of the trials but once staff become accustomed to the modified units, they reduce."** Christopher Street, Imperial Tobacco.

## Claim #2 – 2,000 shops closed in Canada following display bans

A report by Patrick Basham claimed that 2,300 stores closed in Canada during 2008. Based on Canadian experience 10,000 retailers will close in the UK.

## What actually happened? – no significant fall in shop numbers

The claim that Canada's display ban caused 2,000 shop closures in 2008 is – at best - innumerate.

## Claim #3 –Ireland lost £0.5 billion in tobacco tax revenue

Imperial tobacco claimed that the display ban in Ireland led to an increase tobacco smuggling that resulted in Irish tobacco duty revenues falling by £0.5 billion.

## What actually happened? Tobacco tax revenue in Ireland increased

Tobacco duty actually increased in Ireland following the display ban and there is no evidence of an increase in smuggling.

## Claim #4 Implementation will cost retailers up to £5,000

The Association of Convenience Stores (ACS) estimated that it would cost retailers between £1,850 and £5,000 per store to implement a point of sale display ban.

## What actually happened? – Average cost of implementation in Ireland was £300

In a survey of Irish retailers after the legislation was implemented, the ACS found that the average cost of compliance in Ireland was just £300.

# Plain packaging – the next step in delivering a comprehensive tobacco policy

Healthy Lives, Healthy People: A Tobacco Control Plan for England, sets out clear ambitions to reduce smoking prevalence and smoking take-up amongst children. Requiring the plain, standardised packaging of tobacco products is essential if we are serious about protecting children from the harm caused by tobacco.

In 1998 smoking prevalence had stalled at 28% for nearly a decade. The Smoking Kills White Paper set out a comprehensive strategy for reducing the harm caused by tobacco and was followed by the Tobacco Advertising and Promotion Act, an anti-illicit tobacco strategy, a comprehensive NHS smoking cessation service and the introduction of smokefree legislation. These measures helped to reduce UK smoking prevalence from 28% to 21% in ten years.

In March 2011 the Government launched *Healthy Lives Healthy People: A Tobacco Control Plan for England*, setting out a cross-government plan to drive smoking prevalence down still further, as well as reducing smoking amongst children and pregnant women. Tobacco policy enjoys strong cross party support, with the Government's Plan receiving the backing of the Labour Party.

*"The important thing to remember about improving public health is that it is not a party political issue."*

**Anne Milton, Minister for Public Health**

Already many of the measures set out in the Tobacco Control Plan have been implemented.

- The Chancellor has continued the tobacco tax escalator and raised tobacco duty by 5% above inflation in the Spring 2012 budget
- The sale of tobacco from vending machines became illegal from October last year in England, and has since been banned in Northern Ireland and Wales
- The point of sale display of tobacco products was banned in large stores in England on 6 April this year, and will be extended to all stores from April 2015
- A new illicit tobacco plan: *Tackling Tobacco Smuggling – building on our success*, was published in April last year.

These measures work. Latest ONS figures for 2010 show that in Great Britain adult smoking prevalence has fallen from 21 per cent to 20 per cent from the previous year and there has been a welcome fall in smoking rates in the 16-19 age group from 24 to 19 per cent in the same period. These falls demonstrate the effectiveness of a coherent, cross-government long term plan.

However, tobacco is still the biggest cause of preventable death in the UK, killing more people than the next six most common causes of preventable premature deaths put together. Every year 340,000 children under 16 in England try smoking for the first time. Since other forms of advertising and promotion have been banned, tobacco packaging has become an increasingly important form of promotion and the number of new brands and innovative pack designs has increased significantly.

Plain, standardised packaging of tobacco products, with brand name in standardised font, would prevent the industry from using the pack to promote the product. The evidence review published alongside the consultation demonstrates that there is a large body of peer reviewed evidence that plain packaging:

- is less attractive to young people
- strengthens the impact of health warnings
- makes the packs less misleading.

Plain packaging is supported by the UK's leading health charities and medical and public health organisations, including the Royal College of Physicians, the British Medical Association, Cancer Research UK, the British Heart Foundation, the British Thoracic Society, the Trading Standards Institute, the Chartered Institute of Environmental Health and the Faculty of Public Health.

The plain packaging consultation requires all respondents to identify their links to the tobacco industry. However, unless required to do so by MPs and Peers they contact, organisations face no such obligation when approaching parliamentarians on this issue.

*"Everyone will be able to respond to the consultation, including manufacturers and retailers, but everyone who responds will be asked about their links with the tobacco industry."*

**Rt Hon Andrew Lansley CBE MP**

The Consultation, Impact Assessment, Equality Impact Assessment and Systematic Evidence Review can be found at: <http://consultations.dh.gov.uk>.

# Plain packaging: the truth

Many of you will have received correspondence from a range of organisations repeating the same bogus tobacco industry claims that plain packaging will increase smuggled tobacco, will breach international law and will have no impact on smoking rates. None of these arguments stand up to analysis:

**Claim #1:** *Tobacco smuggling will increase because plain packs are easily counterfeited*

**FACT: Existing packs are no obstacle to counterfeiting.** There is no evidence that plain packaging would lead to an increase in illicit tobacco. Tobacco packs are already easily counterfeited which is why the industry put covert markings on all tobacco packs. Plain packs may not have tobacco brand logos and colours but will retain the health warnings and other markings; so they will be no easier to counterfeit.

The tobacco smuggling argument has been reinforced by claims that illicit tobacco is already spiraling out of control. In fact **the market share of illicit cigarettes has halved over the last decade**, from 21% of the market share to 10% according to the latest figures. This fall has been achieved by a tough anti-smuggling strategy. The range of tobacco policy initiatives introduced during this period has not prevented this decline.

**Claim #2:** *Plain packaging will breach intellectual property rights leading to compensation claims*

**FACT: The use of tobacco trademarks is already limited by law.** All plain packaging does is limit the use of tobacco company trademarks. International trade agreements do not create a right to use trademarks and allow governments to implement measures to protect public health. The government will not be acquiring trademarks or any other property from tobacco companies so no compensation will be due.

**Claim #3:** *It may be tobacco today but other consumer products will follow.*

Industry front groups claim that everything from sugar, drinks and 'food' will all be forced to introduce plain packaging.

**FACT: Tobacco is not like any other product** and plain packaging would not set a precedent. Tobacco is the only legal product which is lethal when used as intended. The Health Secretary has been upfront that tobacco should be treated differently. *"We won't be engaging with manufacturers on this as we don't have any common ground. Tobacco is not like alcohol."*

Advertising tobacco on television was banned in 1965 and the Tobacco Advertising and Promotion Act banned all other forms of tobacco advertising in 2003. Neither of these bans have been replicated in other industries.

**Claim #4** *There is no evidence plain packs will reduce smoking*

**FACT: A large body of evidence shows that plain packaging would be effective.**

Coinciding with the consultation, a systematic evidence review *Plain Tobacco Packaging: A Systematic Review*, was published, which found that plain, standardised packaging would be:

- **Less attractive, especially to young people**
- **Strengthen the impact of health warnings**
- **Make the packs less misleading**

## APPG on Smoking and Health

### A guide to local implementation of the Tobacco Control Plan for England

14<sup>th</sup> May 2012, 4.00 to 6.00 pm, Grimond Room, Portcullis House

From 2013 local authorities in England will take over responsibility for public health. A consortium of national and local organisations, including the Local Government Association, ASH, Cancer Research UK, Trading Standards Institute and the Faculty of Public Health, have piloted a new standard for local authorities to ensure that their tobacco policies are effective, evidence based and aligned with the Tobacco Control Plan for England and NICE guidance.

#### Speakers include:

- Nick Forbes, Leader of Newcastle City Council – The Tobacco Control Plan and local councils
- Bob Blackman MP – Local government and tobacco policy in England

#### Officers of the group:

**Chair:** Stephen Williams MP (Liberal Democrat)

**Secretary:** Bob Blackman MP (Conservative)

**Vice Chairs:** Kevin Barron MP (Labour)  
Baroness Finlay (Cross Bench)  
Baroness O'Cathain OBE (Conservative)  
Lord Patel (Cross Bench)  
Lord Rennard MBE (Liberal Democrat)  
John Robertson MP (Labour)

The All Party Parliamentary Group (APPG) on Smoking and Health is a cross-party group of Peers and MPs which was founded in 1976

**"To monitor and discuss the health and social effects of smoking; to review potential changes in existing legislation to reduce levels of smoking; to assess the latest medical techniques to assist in smoking cessation; and to act as a resource for the group's members on all issues relating to smoking and public health."**

ASH provides the secretariat for the APPG and funded the printing of this publication.  
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