



**PHILIP MORRIS**  
LIMITED

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25<sup>th</sup> March 2013

[REDACTED]  
Department of Health  
Ministerial Correspondence and Public Enquiries  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

Cc: [REDACTED]

Dear [REDACTED]

DEPT OF HEALTH  
RECEIVED

26 MAR 2013

MCPE (RH)

Thank you for your letter received on the 28<sup>th</sup> February regarding the report Philip Morris Ltd (PML) commissioned by Mr Rupert Darwall titled, "*Selecting the Evidence to Fit the Policy - An Evaluation of the Department of Health's Consultation on Standardised Tobacco Packaging*", which was provided to the Department of Health (DH) on 30<sup>th</sup> January.

I would like to reiterate that PML supports effective, evidence-based tobacco regulation. We commissioned Rupert Darwall, a highly respected economist, to conduct an independent, expert analysis of the Department of Health's 2012 consultation and impact assessment on standardised (plain) packaging of tobacco products. This analysis found that the consultation and impact assessment, as well as the systematic review of the evidence for this consultation, are fundamentally flawed. Mr. Darwall's findings raise serious questions about not only this policy proposal but also about the process by which it is being evaluated.

In your letter you stated that the purpose of the consultation was '*...to seek the views of interested people, businesses and organisations on whether there might be public health benefits from the introduction of standardized packaging, in addition to existing tobacco control policies*'. We are not challenging this as it relates to PML and have, in fact, been accorded opportunities to make our views known. Notwithstanding that, Mr Darwall's report does find fundamental flaws with:

- The structure of the consultation;
- The use of biased research;
- The research referenced in the impact assessment and therefore the consultation;  
and
- The use of selective evidence to support the alleged benefits of plain packaging;

I would like to highlight some of these key points in the hope that these significant concerns are not misinterpreted.

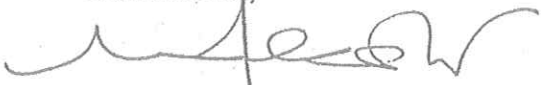
1. The consultation does not include a baseline with which to compare plain packaging and confirm what would happen without its implementation.
2. In addition, there was no consideration of other measures that could achieve the public health benefits the DH is seeking to achieve.
3. In relation to the evidence provided in the consultation, the DH has stated that it requires "*strong and convincing evidence showing the health benefits of*" plain packaging, principally that plain packaging would "*improve public health by reducing the use of tobacco*" and in particular "*deter young people from starting to smoke.*" No such evidence has been presented.
4. The DH itself has repeatedly stated that no such evidence exists, and the DH-commissioned Stirling Review in fact proves this point. With no support in the studies, the DH creates a biased "subjective judgment elicitation" process whereby plain packaging advocates (who the DH admits have personal and financial interest in the outcome) provided opinions (not data) on the impact of plain packaging on smoking prevalence.
5. We believe these are all key components that should have been included, properly addressed and effectively explained in the consultation. In addition, we understand this is required within the Coalition Government's regulatory principles, HM Treasury's Green Book guidance, the Government's Impact Assessment Toolkit, the European Commission's Impact Assessment Guidance and the Courts. All of this is covered in detail in Rupert Darwall's report.

Therefore, based on these requirements, and the fact that neither the Department of Health's consultation standards and objectives, nor those of other government entities, were met in the consultation on standardised packaging conducted in 2012, we are not surprised that Rupert Darwall came to the conclusions he did.

I trust that this clarification will assist you in considering this report in addition to PML's submission to the public consultation last year which I have enclosed for your reference. Please let me know if you would like me to supply you with the other documentation and reports that we submitted at our recent meeting with [REDACTED]

In the meantime, I would very much welcome the opportunity to meet with the team assessing the impact assessment to discuss the findings in Mr Darwall's report in further detail. As per the DH suggestion in our most recent meeting, I have taken the liberty of distributing this response to the other members of the Working Group.

Yours sincerely,



Martin Inkster  
Managing Director, UK & Ireland  
Philip Morris Ltd

# Selecting the Evidence to Fit the Policy

*An Evaluation of the Department of Health's Consultation on Standardised Tobacco Packaging*

Rupert Darwall

January 2013

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This report was commissioned and funded by Philip Morris International (PMI). All judgments and opinions expressed in it are those of the author.

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9 AUGUST 2012

**Standardised tobacco packaging will harm public health and cost UK taxpayers billions**

A response to the Department of Health consultation on standardised packaging of tobacco products



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