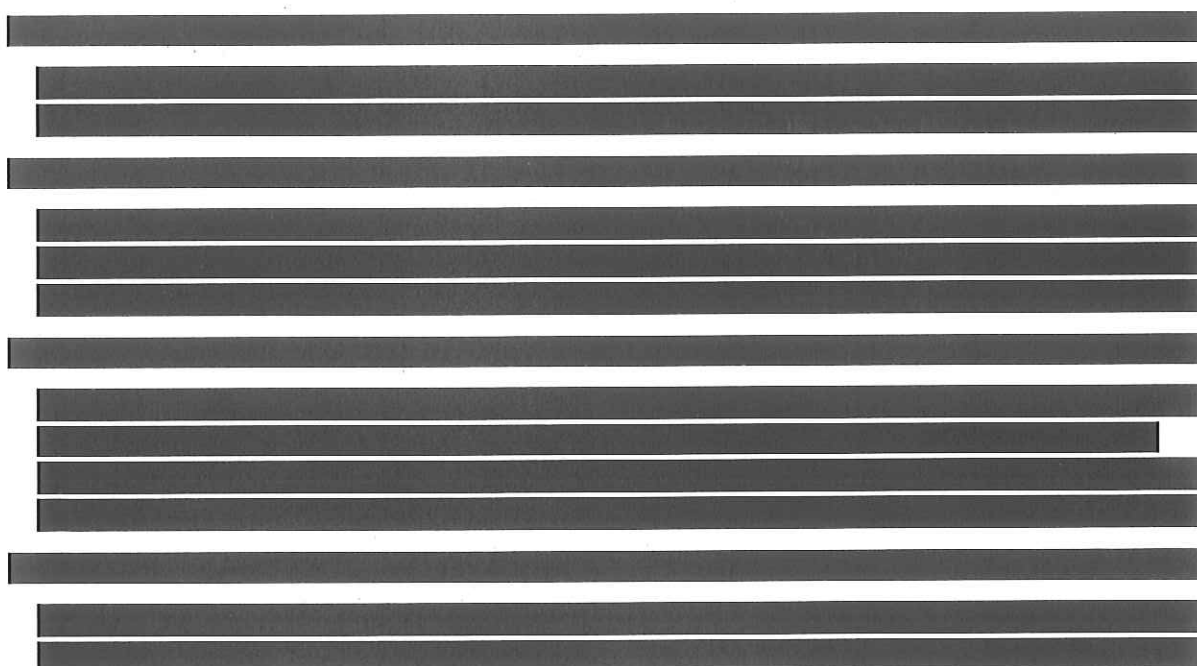


STANDARDISED TOBACCO PACKAGING BRIEFING PACK

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1 Key Lines

Independent review

- We have asked the eminent paediatrician Sir Cyril Chantler, to carry out an independent review of the public health evidence on standardised tobacco packaging.
- Tobacco use remains one of our most significant public health challenges and we must do all we can to reduce smoking rates.
- Top of our list must be to stop young people from taking up smoking in the first place. We must focus on the health of our children. Two-thirds of people start smoking when they're children and it's one of the most important public health issues we face in this country.
- The time is right time to seek an independent view on whether the introduction of standardised packaging is likely to have an effect on public health.
- This will be a very focused review, reporting by March next year. It is an independent review and Sir Cyril will determine how he undertakes the review. He is free to draw evidence from whatever source he considers necessary and appropriate.
- Sir Cyril Chantler has confirmed that he does not have a view on standardised packaging. He will be led by the evidence. He has also confirmed that he does not have links with the tobacco industry.

Taking powers to introduce standardised packaging

- The Government will introduce standardised tobacco packaging if, following the review and consideration of the wider issues raised by this policy, we are satisfied that there are sufficient grounds to proceed, including public health benefit.
- The Government will also take advantage of the opportunity offered by the Children and Families Bill, to table a Government amendment regarding tobacco packaging. The amendment will provide powers to make regulations to introduce standardised tobacco packaging, if it is decided to proceed with this policy.
- Taking these regulation-making powers now means the Government will be able to act without delay, if it decides to proceed.
- There is support for standardised packaging on both sides of the House, just as there has been support for other tobacco control measures that have been introduced in recent years.

2 Independent Review

2.1 Why another review and why now?

- Tobacco use remains one of our most significant public health challenges and tobacco control has an essential part to play in delivering the Government's commitment to reduce the number of people in this country who are dying prematurely. We therefore want to explore any avenue that has the potential to contribute to this important aim.
- There is significant support for standardised packaging amongst health stakeholder groups who believe it could have an important impact on improving public health in this country.
- Recent debates in the House of Commons and House of Lords have demonstrated that there is strength of support for this policy. The review will give a valuable independent voice on whether there is likely to be a positive impact on public health if standardised tobacco packaging were to be introduced.
- We said in July that we would keep the policy under active review. Since then the academics (led by the University of Stirling), who carried out the systematic review of the evidence on standardised packaging that was published alongside the 2012 consultation have updated their work. Their original report covered 37 peer-reviewed studies and the update considers an additional 17. Evidence continues to emerge all the time.
- It is an appropriate time to seek an independent view of the evidence of the likely health impacts.
- Health Ministers have commissioned Sir Cyril to look at the up to date position and to assess whether or not the introduction of standardise packaging would be likely to have an effect on public health in England. This will be a very focused review, reporting by March 2014.

2.2 How will the review operate and act independently? How can I contribute?

- Ministers have asked for advice, taking into account existing and any fresh evidence, as to whether or not the introduction of standardised packaging is likely to have an effect on public health (and what any effect might be), in particular in relation to the health of children.
- Sir Cyril Chantler will decide how undertakes this review but he is free to draw evidence from whatever source he considers necessary and appropriate.
- Sir Cyril and his review team will set out how they will undertake the review shortly. This will include whether and how they expect contributions to be made.
- The report and recommendation will be published.
- This is not a public consultation. The Government ran a full public consultation in 2012, and received almost 2,500 substantive responses, and well over half a million postcard and petition responses. The arguments are already well-rehearsed in the consultation responses, which will be available for the review.

2.3 Will the review cover the Australian evidence? Is the review to make-up for the lack of evidence from Australia?

- Sir Cyril Chantler will determine how he undertakes this review and he is free to draw evidence from whatever source he considers necessary and appropriate.
- Australia's standardised packaging laws have been in place for a year [as of 1st December 2013]. There has been emerging evidence that has come from Australia since their laws were brought in.
- Sir Cyril's review will consider this Australian evidence, together with evidence from other countries, including the UK.
- Research continues to emerge. The academic researchers who undertook the systematic evidence review that informed last year's consultation on standardised tobacco packaging, published a follow up report. The update report covers an additional 17 studies (there were 37 in the original review) and concludes that these provide further support for the proposed benefits of standardised packaging.

3 Government Amendment to Children and Families Bill

3.1 Is this a U-Turn?

- No. We said in July that we would keep the policy under active review. Since then the academics (led by the University of Stirling), who carried out the systematic review of the evidence on standardised packaging that was published alongside the 2012 consultation have updated their work. Their original report covered 37 peer-reviewed studies and the update considers an additional 17.
- There is also a high level of Parliamentary interest in this policy. These factors make this an appropriate time to seek an independent view of the evidence of the likely health impacts.

3.2 The evidence shows it works – why not introduce it now?

- This is a complex subject. Standardised tobacco packaging was only implemented for the first time in Australia on 1 December last year. Evidence continues to emerge all the time and so Health Ministers have commissioned Sir Cyril to look at the up to date position and to assess whether or not the introduction of standardised packaging would be likely to have an effect on public health in England.

3.3 If you are taking enabling powers, does this mean you've already made your mind up?

- No. We are not going to prejudge the outcome of the review. Ministers intend to reach a decision on standardised tobacco packaging once Sir Cyril has made his report in March.
- The Government will introduce standardised tobacco packaging if, following the review and consideration of the wider issues raised by this policy, we are satisfied that there are sufficient grounds to proceed, including public health benefit.
- Taking these regulation-making powers now means the Government will be able to act without delay, if it decides to proceed.
- There is support for standardised packaging on both sides of the House, just as there has been support for other tobacco control measures that have been introduced in recent years.

3.4 Packaging doesn't affect behaviour- this won't work/ Shouldn't we wait and see what happens in Australia? There are reports it is not working.

- Recent debates in both Houses have demonstrated that there is strength of support for standardised tobacco policy and we have heard from many people who have said that evidence base for this policy continues to grow.
- There is also strong support for standardised packaging among health stakeholder groups who tell us that this measure could have a significant impact on improving public health in this country.
- We have therefore commissioned an independent review of the public health evidence on standardised packaging of tobacco products. This will look at the up to date position and will assess whether or not the introduction of standardised packaging would be likely to have a positive effect on public health in England.

3.5 Is the Government more concerned with protecting the interests of business over public health? Will this damage small business?

- Ministers intend to reach a decision on standardised tobacco packaging once Sir Cyril has made his report in March.
- We will need to consider Sir Cyril's report about the impact on public health alongside the wider issues raised by this policy.
- I will not pre-empt the outcome of the review, nor indeed of the decision-making process, but I can confirm that the Government will introduce standard tobacco packaging if, following the review we are satisfied that there are sufficient grounds to proceed.
- We will make this decision quickly but we will consider all of the relevant wider aspects such as, for example, the impact on business

4 Detail of Regulations

4.1 What will be included in the Regulations? Will the regulations apply to cigarettes as well?

- We are finalising the drafting of the amendment to take regulation making powers and intend to table it in good time to allow noble Lords to consider it in detail before it is debated at Report.
- We have not made any decisions on the detail of any regulations but we would expect to introduce standardisation for all packaging. We also need to consider whether the cigarettes themselves are not branded. These are aspects we will explore if we decide to proceed with this policy.
- There is merit in taking this legislation forward on a UK-wide basis. Health Ministers in the other UK countries have expressed support for this policy so we are discussing with them how we might take this forward, if it is decided to move ahead with introducing the policy.

4.2 What is the timetable for the regulations?

- The Government is taking regulation-making powers now in the Children and Families Bill, which is currently being considered in the House of Lords. Should the Government make the decision to go ahead with standardised packaging, we will need to consider the timetable, however it should be possible to make the regulations before the end of this Parliament.

4.3 Will these be affirmative regulations?

- If we make regulations for standardised packaging, we intend to make subject to approval through the affirmative parliamentary procedure. This will ensure the appropriate level of parliamentary scrutiny for this important subject.

4.4 Will there be a vote on the amendment?

- This is not for the Government to decide and will depend on the opinion in the House when they debate the amendment.

4.5 Will there be a free vote?

- Now is not the time to discuss how we might handle the vote on the regulations, the Government will consider this when the time is right.

5 Illicit Tobacco

5.1 Won't illicit tobacco boom if standardised packaging is introduced?

- We received a wide range of responses to the question in the consultation on illicit tobacco. These are summarised in the consultation report.
- In 2000, around 21 per cent of the UK cigarette market was illicit. Latest estimates from HMRC for 2012/13 is that this has dropped to around 9 per cent.
- At this stage, I do not want to be drawn into commenting on any particular argument for or against standardised tobacco packaging.
- But I can assure you that the Government will consider all aspect of policy before making a final decision – including any implications for the illicit trade.

5.2 What are you doing to combat illicit tobacco?

- HMRC lead on this area within Government.
- Latest estimates indicate the illicit cigarette market has more than halved - dropping from 21% to 9% in 2012/13, and the hand-rolling tobacco illicit market has reduced from 61% to 36%.
- HMRC is committed to tackling the dangerous and illegal trade of tobacco smuggling and between 2010 and 2015, they are investing an additional £25million to combat this issue. The additional investment they received in 2010 has ensured that HMRC is able to do more to tackle tobacco smuggling than ever before.
- In 2012/13 HMRC and Border Force seized 1.85 billion illicit cigarettes and 480 tonnes of hand-rolling tobacco, increased the number of prosecutions for tobacco offences to 264 and issued more penalties for tobacco offences than ever before.
- Relentlessly disrupting criminal businesses is at the heart of HMRC's strategy to clamp down on this illicit trade. The tobacco smuggling gangs are constantly adapting to the huge downward pressure HMRC puts them under. This pressure has caused the long term decline of this illegal trade.
- This is evidenced through work with HMRC and Border Force, in the last two years nearly 3.6 billion illicit cigarettes and 1050 tonnes of rolling tobacco have been seized. This has resulted in 431 prosecutions and over 1600 assessments and penalties issued with a value of nearly £24m. HMRC and Border Force continue to work across government, to further improve their intelligence and ensure the organised criminal gangs behind this crime are brought to justice.