

10 March 2011

Rt Hon Andrew Lansley MP  
Secretary of State for Health  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

*Dear Secretary of State,*

I am writing in reference to the launch today of the Government's Tobacco Control Plan for England, and specifically the debate on plain packaging.

I should stress at the outset that the CBI has no mandate or wish to comment on the Government's public health agenda insofar as smoking is concerned. There are however two relevant points of broader interest to the CBI and its members, which we would like to relay to you in relation to plain packaging.

The first is the ability to create, protect and exploit intellectual property and brand value. We think a move towards plain packaging undermines the Government's commitment to an effective IP regime which promotes innovation and value creation, and we are wary about the precedent it sets which could in future be extended to other sectors.

The second concerns the better regulation agenda, and the need for clear evidence-based policy making. Independently produced, robust evidence on the relationship between branding and smoking decisions will be vital in producing effective policy that passes the better regulation test and delivers the Government's public policy goals.

The commitment in today's announcement to consult on whether plain packing would be effective on health grounds, as well as looking at all of the wider competition, trade and legal implications is very much welcomed.

S.40/2

cc Rt Hon Mark Prisk MP, Baroness Wilcox

