

From: [REDACTED] ACG [REDACTED]@a-cg.com  
Sent: 22 March 2013 16:53  
To: [REDACTED]  
Cc: Andrew Layton; [REDACTED]  
Subject: ACG follow-up from Alliance meeting: standardised packaging for tobacco products - Department of Health consultation  
Attachments: 12-06-18 transcrime\_exec\_summ.pdf; 12-06-18 transcrime\_report.pdf; Impacts of proposal to introduce standardised packaging for tobacco products

(19)

Dear [REDACTED]

It was good to meet you on Wednesday, and thank you and the whole team for covering so much ground of interest to Alliance members.

As promised I attach the report from Transcrime, together with its Executive Summary, which analyses the risk of growth in the illicit trade of tobacco products as the 'unintended consequence' of the DoH's proposal to introduce standardised or 'plain' packaging.

While this report, and the DoH consultation, focus on that particular sector, as I mentioned in our meeting on Wednesday ACG is involved because this proposal has wider implications:

- for all industry sectors, if it becomes enshrined in law that it is acceptable to prevent rights holders from legitimate uses of their trade marks (and copyright/designs too), and
- for policy-making generally, if the government is prepared to introduce legislation without hard evidence or sufficient public opinion to support it (the responses to the consultation, including viral campaigns, are understood to be 2:1 against), and without regard for the likely risks which need to be set against any intended benefits.

In our view, this proposal is in fact just a relatively inexpensive and 'quick-fix' way of appearing to address public health concerns, whereas

- a similar consultation just 5 years ago by the previous government had concluded that there was no evidence to support such a proposal; and
- the real causes of the various addiction and obesity issues in our society require real solutions, which will not lead to increased threats to public health, as we believe this proposal will.

There is ample evidence of what does cause such problems with addiction - for example the NHS reported extensively on the conditions which encourage young people to take up smoking, drinking and drug use, none of which include the way in which products are packaged.

<http://www.ic.nhs.uk/pubs/sdd10fullreport>

Our concerns are set out in more detail in the attached circular to the Minister for IP of 12 March, to which is attached, in turn, the letter sent to him and other relevant Ministers that day - including those in the Home Office - and our original submission to the DoH consultation last August, which is not unduly lengthy and will really help to bring together for you all the elements of our case.

NB The Home Office unfortunately responded to our message last week saying it was the

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responsibility of the Department of Health and accordingly they had forwarded it on. I had sent them a specially personalised e-mail about the criminal/resource implications - evidently they didn't trouble to read even the subject header properly.

Without repeating [REDACTED] excellent points, all of which ACG endorses, I hope this helps further to illustrate both the importance of the consultation for your industry stakeholders, and the help which the IPO can give in ensuring that all government departments involved here are aware of the IP issues, particularly - from ACG's perspective - the likely impact on illicit trade, serious organised crime and enforcement resources, and the onward effect on other sectors should the principle of plain packaging be accepted and then extended. Such packaging for alcoholic drinks has already been mentioned in the Health Committee's scrutiny of the government's alcohol strategy.

I must emphasise that we fully support all initiatives which may improve public health. We also strongly endorse the government's four policy objectives set out in the DoH's consultation document. But from all we and our members know about counterfeiting, and the ideal conditions for it to flourish, we are convinced that this is a misguided and ultimately dangerous proposal, which will have exactly the opposite effect to that intended on public health and safety, because of the inevitable changes it will cause in the market for illicit tobacco products.

I would be happy to talk any or all of this through with you if that would be helpful.

Best regards

[REDACTED]

[REDACTED]

The Anti-Counterfeiting Group

[REDACTED]

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