



Public Health  
England

# **Response to the government consultation on the introduction of regulations for standardised packaging of tobacco products**

August 2014



## About Public Health England

Public Health England exists to protect and improve the nation's health and wellbeing, and reduce health inequalities. It does this through advocacy, partnerships, world-class science, knowledge and intelligence, and the delivery of specialist public health services. PHE is an operationally autonomous executive agency of the Department of Health.

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## Executive summary

Public Health England wants to see long-term reductions in youth smoking that build upon the success already achieved under the Tobacco Control Plan for England. Removal of tobacco companies' ability to engage young people through marketing, improved knowledge of the health harms and fewer smoking role models are all essential to achieving a tobacco free generation. As a powerful addition to the existing levers at our disposal, we believe standardised packaging could be the game changer.

In our submission to the Chantler review into standardised packaging of tobacco products, PHE set out our view that the evidence made a substantial and compelling case for the introduction of standardised packaging as an effective measure to tackle the serious public health problem of smoking.

The evidence base on standardised packaging has expanded considerably since the 2012 government consultation, with the publication of numerous peer-reviewed research studies and real world post-implementation evidence from Australia. As a result, the case for standardised packaging has been strengthened further.

The evidence is clear that standardised packaging increases the effectiveness of health warnings and reduces the appeal of cigarette packaging to young people and adults. It removes a powerful marketing tool and the ability to influence perceptions about the relative risk between cigarette brands. Standardised packaging influences behaviour, encouraging smokers to reduce their smoking and to quit.

In Australia, official data is already demonstrating the impact. Its latest national triennial survey shows the fastest decline in smoking rates in over 20 years, and customs and excise data shows a fall of 3.4% in tobacco sales by volume in the first year of standardised packaging.

As part of a comprehensive programme of tobacco control, standardised packaging makes a powerful contribution to the de-normalisation of smoking as a socially acceptable behaviour. The potential benefits to public health should not be underestimated. In addition, by helping to reduce spending on tobacco, standardised packaging could bring real economic benefit to our most deprived communities.

Smoking is one of the nation's most serious public health challenges, with the greatest harm suffered by the least advantaged in society. The evidence for the benefits standardised packaging can deliver is now irrefutable. To delay its introduction is to delay our receipt of those benefits.

## Responses to consultation questions

**Question 1: Do you have any observations about the report of the Chantler Review that you wish to bring to our attention?**

In our submission to the Chantler review into standardised packaging of tobacco products, Public Health England set out our view that the evidence made a substantial and compelling case for the introduction of standardised packaging as an effective measure to tackle the serious public health problem of smoking.

We warmly welcomed the report of the review and Sir Cyril Chantler's conclusion that: "...there is sufficient evidence derived from independent sources that the introduction of standardised packaging as part of a comprehensive policy of tobacco control measures would be very likely over time to contribute to a modest but important reduction in smoking prevalence especially in children and young adults."

The additional evidence since Sir Cyril conducted his review – in particular the early data emerging from Australia – lends further support to his conclusion and indeed indicates that his prediction on the positive impact of the introduction of standardised packaging on smoking prevalence may be surpassed.

**Question 2: Do you have any information, in particular any new or additional information since the 2012 consultation, relating to the wider aspects of standardised packaging, that you wish to bring to our attention?**

The evidence base on standardised packaging has expanded considerably since the 2012 government consultation, with the publication of numerous peer-reviewed research studies and real world post-implementation evidence from Australia. The case for standardised packaging, which was already strong, has been strengthened further.

An expert elicitation study of 33 international tobacco control experts examined potential magnitudes of effect if standardised packs were introduced. The authors of the study concluded that the most likely outcome would be a reduction in the prevalence of cigarette smoking particularly among young people. No experts judged an increase in smoking prevalence as a likely outcome.<sup>1</sup>

### **The Australian experience**

The early experience of Australia, which introduced standardised packaging in December 2012, bears striking testimony to the impact of standardised packaging as part of a comprehensive programme of tobacco control. According to the latest official national survey of tobacco use, the daily smoking rate fell markedly from 15.1% to

12.8% between 2010 and 2013 – a record 15.2% decline.<sup>2</sup> A number of factors will have contributed to this, including tax rises, bans on point-of sale retail displays and media campaigns, but the introduction of standardised packaging in year three is a major contributor to the fastest ever drop in smoking rates since the start of the triennial survey in 1991. The data on tobacco sales also presents an encouraging picture: Australian Treasury customs and excise data showed a fall of 3.4% in tobacco sales by volume in the first year of standardised packaging.<sup>3</sup> Once again, while the fall cannot be attributed solely to standardised packaging, it must be considered to have been a significant contributing factor.

In our submission to the Chantler review, we pointed out that the evidence supporting the case for standardised packaging had been, by necessity, measures of process rather than measures of outcome. The new data demonstrating the real-world impact in Australia moves us beyond that point, providing clear evidence of positive outcome.

The tobacco industry continues to publish its own figures and commission its own research and analysis in an attempt to counter the evidence, including on youth uptake.<sup>4</sup> This has been judged by academics and experts as lacking in rigour and credibility.<sup>5</sup> We urge caution in the consideration of any evidence from the tobacco industry, which has a strong vested interest in the outcome of this consultation.

### **Peer-reviewed research**

The 2012 systematic review of the evidence on standardised packaging commissioned under the Department of Health Policy Research Programme<sup>6</sup> was extensively cited in the last consultation. We will not therefore cite it in this section.

### **The Hammond review for the Irish Government**

A more recent review commissioned by the Irish Government and published in March 2014 assessed available scientific evidence into the potential effects of plain standardised packs.<sup>7</sup> The review considered findings from 75 studies including 11 from the UK, and concluded:

*“There is sufficient evidence to conclude beyond a reasonable doubt that plain packaging would help Ireland to achieve its public health policy objectives in relation to tobacco control.”*

The results from the 75 studies included in the Hammond review were harmonised into six themes: health warnings; perceptions of risk; consumer appeal; measures of consumer demand and smoking behaviour; post implementation impact in Australia; and plain pack colour. Its conclusions are summarised below.

### **Health warnings**

Health warnings were more noticeable on plain packs, with greater recall of warnings which could lead to greater cognitive processing, particularly among young non-smokers. Plain standardised packs with large health warnings were found to be complementary measures.

### **Perceptions of risk**

Differences in pack design and colours created a false sense of relative risk between cigarette brands. Plain standardised packs were associated with fewer false beliefs of relative risk and harm caused by cigarettes.

### **Consumer appeal**

Plain standardised packs were less appealing and desirable to young people and young adults including smokers and non-smokers. They were also associated with less positive brand imagery such as 'cool' and 'thin'.

### **Measure of consumer demand and smoking behaviour**

Plain standardised packs could reduce consumer demand and promote smoking cessation among existing smokers. Exposure to plain standardised packs reduced urge and motivation to smoke when compared to branded cigarette packs.

### **Post implementation: the impact of plain packaging regulations in Australia**

Australia introduced standardised packaging in December 2012 and three papers were considered. While it was too early to be able to measure the impact on youth initiation, one study found an increase in the number of calls to the Quitline, an effective means of smoking cessation support.

### **Plain pack colour**

Non-white, dark and drab colours were found to be most effective in reducing appeal. Dark colours were also more effective in minimising misconceptions that some cigarettes were safer than others.

### **Additional evidence since 2012**

The Hammond review included studies published before and after 2012. We conducted a separate search of published peer reviewed literature from 2012 onwards. The new evidence we identified is summarised below. We have also cited some studies that were included in the Hammond review, but from which we want to draw out findings that were not captured in the review summaries.

We have considered 19 studies. Online databases were searched for published peer reviewed studies using the terms 'Stand\$ Pack\$' and 'Plain Pack\$'. The search was limited to all studies published between 2012 and 2014. All relevant studies where

reviewed individually and considered for inclusion. To avoid repetition, where the main findings from a study were found to duplicate another, one from the two was included. The findings are summarised below, grouped under key impacts from standardised packaging.

#### **Standardised packaging increases the effectiveness of health warnings**

A UK study of 26 young people aged between 14 and 19 consisting of smokers and non-smokers used eye tracking technology to assess visual attention to health warnings. The study compared visual attention between branded and plain packs and produced statistically significant findings. The authors concluded that plain packs increased visual attention to health warnings when compared to branded packs.<sup>8</sup>

A Canadian study of 220 university students aged 19 and older consisting of smokers and non-smokers assessed effectiveness of health warnings with four different pack designs. Results found that participants were more likely to recognise health warnings and were able to recall warnings with greater accuracy from plain packs. The author concluded that health warnings were more effective on plain packs than branded packs.<sup>9</sup>

#### **Tobacco branding fosters misconceptions about relative health risks: standardised packaging would tackle this**

A European cross sectional survey of 4,956 adults explored differences in perception of cigarette packs and interpretations of health risks. The authors found misconceptions, that some cigarettes were safer than others, were widely held. Packet design served to reinforce perceptions of 'lighter' and 'heavier' cigarettes. Through brand differentiation of cigarettes, around a 25% of smokers believed that their brand of cigarettes were safer than others.<sup>10</sup>

A study analysed internal tobacco industry research documents relating to cigarette packaging shapes, sizes and openings. The study included 66 documents spanning 30 years of research. The authors concluded that design and packaging could influence brand appeal and reinforce misconceptions of reduced risks between different brands of cigarettes.<sup>11</sup>

#### **Tobacco branding is a powerful marketing tool**

A UK study published in 2013 examined the evolution of cigarette packaging in a broader context of tobacco advertising in the period between 1950 and 2003. The authors concluded that the branded cigarette packaging served as a mobile marketing tool for cigarette advertising and when on display presented an offer to existing adult consumers.<sup>12</sup>



A mixed methods study in India of 346 participants including adults and adolescents examined perceptions of cigarette and smokeless tobacco packaging. Participants believed colourful tobacco packaging was a method of luring people from all socio economic backgrounds into consuming them. Over 80% reported that plain packaging would reduce the attractiveness and appeal of tobacco products.<sup>13</sup>

#### **Standardised packs are less appealing to young people**

A UK survey of 762 young people aged between 11 and 17 measured perceptions between various presentations of cigarette packaging. The study used quantitative methods and produced statistically significant results. The authors concluded that standardised packs, when combined with prominent messages of negative health consequences, were effective in reducing appeal to young people.<sup>14</sup>

A UK study surveyed 947 females aged between 16 and 19. The study randomised participants and grouped them into four categories depending on the variation of packs they were judging. Cigarettes in plain standardised packs were associated with fewer misconceptions of negative health consequences and perceived to taste worse. Another significant finding was that participants were less likely to accept a cigarette in a plain pack from a friend.<sup>15</sup>

A qualitative study in New Zealand explored perceptions of plain and branded packaging with 80 young people aged 14 to 15. The study concluded that participants were highly attuned to the nuances of cigarette branding and graphic warning labels. The removal of cigarette branding and the inclusion of graphic warnings was viewed to be an effective measure in reducing appeal to young people.<sup>16</sup>

A Norwegian study of 1,010 participants aged between 15 and 22 assessed differences in perceptions between plain and branded cigarette packs. The study measured outcomes relating to appeal, taste and perceived risk. Plain packs were rated less positively on appeal, taste and harm. The authors concluded that a switch from branded packs to plain could lead to a reduction of positive perceptions towards cigarettes among young people.<sup>17</sup>

#### **Standardised packs are less appealing to adult smokers and non smokers**

A study in Australia with 1,203 adult smokers assessed the effects of tobacco brand appeal and large pictorial health warnings with branded and plain packs. The study produced several statistically significant findings. Plain packs received lower ratings for positive smoker perception, taste and pack characteristics. The authors concluded that prominent health warnings, when used in conjunction with plain packaging, had greater impact in reducing appeal of cigarettes.<sup>18</sup>

An Australian study examined the effect of various presentations of cigarette packs among 354 socioeconomically disadvantaged adult smokers. The study produced

statistically significant results and found that plain standardised packs with health warnings reduced positive associations of brand image and decreased purchase intentions.<sup>19</sup>

A cross sectional study in New Zealand of 1,035 smokers and non-smokers aged between 18 and 30 analysed views regarding branding and packaging of cigarettes. Participants viewed plain standardised packs as less desirable. The findings from the study suggested that reduced brand appeal was not just limited to smokers but included non-smokers as well.<sup>20</sup>

Opponents of standardised packaging argue that it would make production of counterfeit tobacco products easier, lower costs for consumers, confuse consumers in respect of product authenticity, and increase appeal and purchase of counterfeit tobacco. A Scottish study of 49 young women smokers aged between 16 and 24 explored the role of standardised packs in the context of the last of these contentions. Participants were presented with varying mock displays of legal and counterfeit tobacco in plain standardised packs. Perceptions towards counterfeit cigarettes were negative with concerns about content and taste. The authors concluded that standardised packaging had no bearing on perceived appeal of counterfeit tobacco.<sup>21</sup>

#### **Standardised packaging encourages smokers to reduce their smoking and to quit**

A Scottish study of 187 adult women smokers aged between 18 and 35 used a naturalistic method to provide insights into behaviour change with different types of cigarette packs. Participants smoked cigarettes from branded packs for one week and plain standard packs for the following week. The study made several statistically significant findings. When smoking from plain standardised packs, smokers reported heightened negative feelings towards smoking, looking more closely at the warning on the packet, concealment of the packet from others and a reduction in the number of cigarettes smoked in the presence of others.<sup>22</sup>

An Australian cross sectional study of 536 adult smokers compared differences in smoking characteristics between smokers smoking from standard plain and branded cigarette packets. The survey measured a broad range of outcomes and those smoking from plain standardised packs reported perceived lower quality of cigarettes, less satisfaction from smoking and were more likely to have contemplated a quit attempt.<sup>23</sup>

A naturalistic study conducted in France with 133 adult smokers analysed the effect of plain standardised packaging and hand rolled tobacco. Participants were designated with plain packs for hand rolled tobacco and asked to use them for ten days. Perceptions relating to brand, risk and use in front of others were then measured. When contained in plain standardised packs, smokers of hand rolled tobacco reported less positive feelings about smoking and display of the pack in front of others. Participants

also reported that they were more likely to reduce consumption and increase quit attempts.<sup>24</sup>

### **Early post-implementation evidence from Australia shows impacts on smoking behaviour**

An Australian study measured the number of calls to a smoking cessation helpline called Quitline. The study took into account pre plain pack introduction data and assessed long term trends. The study also took into account seasonal spikes and other potential influences that may have influenced calls to the Quitline, such as changes in cigarette cost. After adjusting for these confounders, the study made several statistically significant findings associated with the introduction of plain standardised packs. The most significant change was a sustained increase in the number of calls to Quitline with a 78% increase in calls, the peak of which occurred four weeks after the introduction of plain standardised packs.<sup>25</sup>

An observational study in Australia examined changes in personal pack display and smoking behaviours pre and post introduction of plain standardised packs. The study observed a 15% decline in personal tobacco display. Pack orientation changed with smokers preferring to conceal the pack or place it face down post introduction of standardised packs. There was also a reduced preparedness to smoke in public. The authors concluded that reduced pack exposure as well reduced instances of smoking would serve to have positive public health gains particularly for young people.<sup>26</sup>

Question 3: Do you have any comments on the draft regulations, including anything you want to draw to our attention on the practicalities of implementing the regulations, as drafted?

### **Slim and super-slim cigarettes**

From the introduction of Virginia Slims through to modern day equivalent brands such as Vogue, we have seen the tobacco industry attempt to give to cigarettes a more 'elegant' appearance, to increase their appeal.<sup>27</sup> The legislation in Australia has standardised packet size, effectively removing the opportunity for the tobacco industry to market these slim and super-slim cigarettes. The tobacco industry uses such mechanisms to reinforce misconceptions of reduced risks between different brands of cigarettes, or to enhance the appeal of different cigarettes to different segments of the market. The regulations as drafted would not remove the opportunity for tobacco manufacturers to make this distinction.

### **Exclusion of cigars, pipes and other non-cigarette covered tobacco products**

We agree that any increase in popularity of these products among young people would necessitate changes in regulation to prevent further uptake and harm. If it would speed up the process of making necessary changes, we would support the inclusion in the

current regulations of the level of prevalence that would trigger any change in legislation, plus the requisite powers to make the change.

**Question 4: Are you aware of any further evidence or information which would improve the assumptions or estimates we have made in the consultation-stage impact assessment?**

Recent data released by the Australian Treasury indicates that tobacco sales fell by 3.4% in the first year of standardised packaging.<sup>3</sup> By modelling the effect of this percentage fall on the English market, Public Health England has calculated a total net financial saving to communities across the country of over £500 million,<sup>28</sup> with the benefit concentrated in areas of higher social deprivation.

So, for instance, according to this illustration smokers in London would save a total of £61.3 million, in Birmingham £9.2 million, in Hull £4.4 million and in Plymouth £3.3 million. Given that only around 7-9% of the value of tobacco sales is retained by the retailer, with the rest going straight to tobacco manufacturers and the Exchequer, most of the money saved by smokers would be retained in the local economy.

## Conclusions

Smoking is one of the nation's most serious public health challenges, with the greatest harm suffered by the least advantaged in society. The evidence for standardised packaging as an effective measure to help drive down smoking rates is already strong, and is growing even stronger now that the positive impact is beginning to be seen in Australia.

The evidence tells us that, as part of a comprehensive programme of tobacco control, standardised packaging has the power to bring significant improvements in public health. The latest data from Australia indicates that it could also bring real economic benefit to our most deprived communities.

The evidence for the benefits standardised packaging can deliver is now irrefutable. To delay its introduction is to delay our attainment of those benefits. We want to build on the progress already made in driving down rates of youth smoking. Removal of tobacco companies' ability to engage young people through marketing, improved knowledge of the health harms and fewer smoking role models are all essential to achieving a tobacco free generation. As a powerful addition to the existing levers at our disposal, standardised packaging could be the game changer.

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**Table 1: Smoking prevalence and estimated tobacco sales (2012 and 2013) for local a**

Unitary Authority and Local Authority District <sup>1</sup>	Smoking Status	
	Smoking prevalence (Jan-Dec 2012) <sup>2</sup>	Confidence Interval <sup>2</sup>
Adur	22.5%	14.1% - 31.0%
Allerdale	21.5%	16.7% - 26.2%
Amber Valley	19.2%	14.4% - 24.0%
Arun	18.1%	13.6% - 22.4%
Ashfield	23.9%	18.0% - 29.9%
Ashford	18.0%	13.4% - 22.6%
Aylesbury Vale	13.3%	10.4% - 16.2%
Bebergh	12.5%	8.1% - 16.9%
Barking and Dagenham	21.9%	18.9% - 24.9%
Barnet	13.9%	11.2% - 16.6%
Barnsley	23.8%	21.4% - 25.8%
Barrow-in-Furness	26.1%	20.2% - 32.0%
Basildon	21.4%	16.6% - 26.1%
Basingstoke and Deane	15.0%	11.3% - 18.6%
Bassellaw	19.5%	15.0% - 24.0%
Bath and North East Somerset	16.7%	14.7% - 18.6%
Bedford	17.4%	13.6% - 21.2%
Bexley	17.7%	14.8% - 20.5%
Birmingham	17.5%	15.8% - 19.1%
Blaby	18.6%	14.0% - 23.2%
Blackburn with Darwen	25.8%	23.5% - 28.1%
Blackpool	29.5%	27.1% - 31.8%
Bolsover	20.4%	13.8% - 26.9%
Bolton	22.9%	20.6% - 25.2%
Boston	18.4%	11.5% - 25.3%
Bournemouth	19.5%	17.5% - 21.5%
Bracknell Forest	17.8%	15.7% - 19.8%
Bredford	22.8%	20.6% - 25.0%
Braintree	18.6%	13.9% - 23.3%
Breckland	17.5%	13.8% - 21.2%
Brent	15.2%	13.0% - 17.4%
Brentwood	8.4%	3.4% - 13.5%
Brighton and Hove	23.7%	21.4% - 25.9%
Bristol, City of	21.3%	16.9% - 23.7%
Broadland	16.6%	12.2% - 21.0%
Bromley	17.8%	15.1% - 20.5%
Bramsgrove	13.5%	8.8% - 18.2%
Broxbourne	19.3%	13.2% - 25.4%
Broxtowe	19.1%	13.8% - 24.4%
Burnley	24.7%	17.1% - 32.4%
Bury	20.9%	18.5% - 23.2%
Calderdale	23.7%	21.4% - 26.0%
Cambridge	11.5%	7.4% - 15.6%
Camden	17.9%	15.0% - 20.7%
Cannock Chase	27.8%	21.7% - 33.9%
Canterbury	21.4%	16.9% - 25.9%
Carlisle	24.7%	19.6% - 29.7%
Castle Point	19.2%	13.1% - 25.3%
Central Bedfordshire	18.3%	15.4% - 21.2%
Charnwood	20.5%	16.6% - 24.6%

Chelmsford	18.3%	14.5% - 22.1%
Cheltenham	21.2%	16.1% - 26.3%
Cherwell	17.8%	13.5% - 22.2%
Cheshire East	16.3%	13.8% - 18.7%
Cheshire West and Chester	15.0%	12.3% - 17.8%
Chesterfield	17.9%	12.7% - 23.0%
Chichester	21.7%	16.6% - 26.9%
Chiltern	13.7%	9.5% - 17.9%
Chorley	14.2%	10.1% - 18.4%
Christchurch	18.1%	12.3% - 23.8%
Hackney	22.6%	19.6% - 25.5%
Colchester	20.5%	16.4% - 24.7%
Copeland	25.8%	20.1% - 31.6%
Corby	27.3%	19.5% - 35.2%
Cornwall	20.3%	16.3% - 22.3%
Cotswold	16.2%	10.6% - 21.8%
County Durham	22.2%	20.0% - 24.4%
Coventry	17.9%	15.9% - 19.9%
Craven	11.3%	5.7% - 16.9%
Crawley	22.7%	17.6% - 27.7%
Croydon	17.1%	14.1% - 20.0%
Dacorum	17.4%	13.2% - 21.5%
Darlington	21.3%	19.1% - 23.4%
Dartford	21.8%	15.1% - 28.5%
Daventry	20.4%	13.6% - 27.2%
Derby	19.8%	17.7% - 21.8%
Derbyshire Dales	16.7%	12.2% - 25.2%
Doncaster	25.3%	23.1% - 27.6%
Dover	22.9%	17.3% - 28.5%
Dudley	16.7%	16.5% - 20.8%
Ealing	19.6%	16.8% - 22.4%
East Cambridgeshire	17.3%	12.1% - 22.5%
East Devon	13.0%	9.2% - 16.8%
East Dorset	16.6%	12.7% - 20.5%
East Hampshire	18.0%	13.7% - 22.4%
East Hertfordshire	15.2%	11.0% - 19.4%
East Lindsey	24.4%	19.6% - 29.2%
East Northamptonshire	19.5%	13.0% - 25.9%
East Riding of Yorkshire	19.1%	17.0% - 21.2%
East Staffordshire	11.5%	7.3% - 15.7%
Eastbourne	23.2%	18.0% - 28.5%
Eastleigh	16.5%	11.9% - 21.1%
Eden	15.3%	9.4% - 21.2%
Elmbridge	15.6%	11.2% - 19.7%
Enfield	18.0%	15.1% - 20.8%
Epping Forest	15.1%	10.3% - 20.0%
Epsom and Ewell	12.3%	6.5% - 18.1%
Erewash	15.7%	10.4% - 21.0%
Exeter	12.4%	8.0% - 16.6%
Fareham	16.1%	11.5% - 20.8%
Fenland	29.5%	23.4% - 35.7%
Forest Heath	21.9%	14.6% - 29.3%
Forest of Dean	17.4%	12.0% - 22.8%
Fylde	13.4%	6.1% - 18.7%
Gateshead	22.9%	20.6% - 25.2%
Gedling	14.9%	10.2% - 19.5%
Gloucester	18.2%	13.6% - 22.8%
Gosport	26.5%	19.9% - 33.2%



Gravesham	19.9%	19.9% - 25.6%
Great Yarmouth	24.3%	18.5% - 30.1%
Greenwich	18.4%	15.7% - 21.1%
Guildford	10.7%	7.0% - 14.4%
Halton	22.8%	20.4% - 24.9%
Hambleton	19.1%	13.4% - 24.9%
Hammersmith and Fulham	23.8%	20.9% - 26.7%
Harborough	15.8%	10.5% - 20.6%
Haringey	20.6%	17.5% - 23.7%
Harlow	24.3%	16.0% - 32.7%
Harrogate	18.7%	14.7% - 22.7%
Harrow	13.2%	11.1% - 15.3%
Hart	10.4%	5.9% - 14.9%
Hartlepool	28.2%	26.0% - 30.5%
Hastings	27.6%	22.0% - 33.6%
Havant	16.4%	11.7% - 21.1%
Havering	19.3%	16.3% - 22.4%
Herefordshire, County of	16.7%	14.7% - 18.6%
Hertsmere	20.8%	15.4% - 26.2%
High Peak	17.6%	12.5% - 22.7%
Hillingdon	17.5%	14.6% - 20.4%
Hinckley and Bosworth	20.3%	15.0% - 25.6%
Horsham	13.3%	9.4% - 17.1%
Hounslow	18.8%	14.2% - 19.6%
Huntingdonshire	18.2%	14.9% - 22.0%
Hyndburn	30.1%	22.9% - 37.9%
Ipswich	21.4%	17.0% - 25.7%
Isle of Wight	19.7%	17.9% - 21.6%
Islington	22.0%	18.9% - 26.2%
Kensington and Chelsea	17.5%	15.0% - 20.0%
Kettering	19.1%	13.0% - 25.2%
King's Lynn and West Norfolk	20.4%	15.9% - 24.9%
Kingston upon Hull, City of	29.8%	27.4% - 32.1%
Kingston upon Thames	15.1%	12.5% - 17.8%
Kirklees	20.4%	16.1% - 22.6%
Knowsley	23.6%	21.9% - 26.8%
Lambeth	21.9%	18.0% - 24.6%
Lancaster	22.4%	17.5% - 27.3%
Leeds	23.6%	21.6% - 25.6%
Leicester	20.5%	18.5% - 22.5%
Lewes	15.8%	11.4% - 20.1%
Lewisham	21.4%	18.3% - 24.5%
Lichfield	19.1%	14.3% - 23.9%
Lincoln	28.9%	22.8% - 35.0%
Liverpool	24.5%	22.3% - 26.6%
Luton	21.2%	19.0% - 23.5%
Maidstone	20.4%	15.9% - 24.9%
Maldon	16.2%	10.0% - 22.4%
Malvern Hills	13.9%	8.7% - 19.0%
Manchester	24.6%	22.5% - 26.8%
Mansfield	26.3%	20.8% - 31.7%
Medway	25.8%	23.4% - 27.9%
Melton	18.2%	10.0% - 22.5%
Mendip	15.4%	11.4% - 19.4%
Merton	15.2%	12.7% - 17.7%
Mid Devon	23.6%	17.1% - 30.2%
Mid Suffolk	20.9%	15.9% - 26.0%
Mid Sussex	18.3%	13.9% - 22.6%

Middlesbrough	24.4%	22.1% - 26.6%
Milton Keynes	18.1%	16.0% - 20.2%
Mole Valley	12.0%	7.7% - 16.2%
New Forest	16.8%	13.3% - 20.2%
Newark and Sherwood	18.3%	13.3% - 23.3%
Newcastle upon Tyne	22.9%	20.6% - 25.1%
Newcastle-under-Lyme	22.0%	16.8% - 27.1%
Newham	15.7%	13.3% - 18.1%
North Devon	17.6%	12.6% - 22.6%
North Dorset	18.0%	14.1% - 23.7%
North East Derbyshire	19.6%	14.4% - 24.8%
North East Lincolnshire	25.8%	23.5% - 28.1%
North Hertfordshire	17.0%	13.0% - 20.9%
North Kesteven	18.9%	14.6% - 23.2%
North Lincolnshire	24.5%	22.3% - 26.8%
North Norfolk	15.1%	10.2% - 20.0%
North Somerset	14.8%	12.8% - 16.8%
North Tyneside	23.0%	20.7% - 25.2%
North Warwickshire	10.4%	4.9% - 15.9%
North West Leicestershire	18.2%	13.3% - 23.0%
Northampton	22.0%	17.8% - 26.3%
Northumberland	17.6%	15.6% - 19.7%
Norwich	22.8%	17.9% - 27.6%
Nottingham	24.4%	22.3% - 26.5%
Nuneaton and Bedworth	19.8%	14.7% - 24.9%
Oadby and Wigston	19.2%	13.5% - 24.9%
Oldham	24.5%	22.3% - 26.8%
Oxford	17.0%	12.4% - 21.5%
Pendle	27.0%	20.1% - 33.9%
Peterborough	21.1%	18.7% - 23.4%
Plymouth	24.0%	21.8% - 26.1%
Poole	19.5%	17.4% - 21.6%
Portsmouth	22.5%	20.3% - 24.7%
Preston	18.4%	13.3% - 23.4%
Purbeck	12.0%	7.1% - 16.8%
Reading	20.0%	17.9% - 22.1%
Redbridge	14.7%	12.3% - 17.1%
Redcar and Cleveland	21.8%	19.7% - 24.0%
Redditch	24.9%	19.3% - 30.5%
Reigate and Banstead	15.1%	10.3% - 19.8%
Ribble Valley	15.9%	8.6% - 23.2%
Richmond upon Thames	14.0%	11.2% - 16.8%
Richmondshire	18.1%	10.8% - 25.6%
Rochdale	23.9%	21.7% - 26.1%
Rochford	14.2%	9.2% - 19.3%
Rossendale	21.0%	14.3% - 27.7%
Rother	10.4%	6.8% - 14.2%
Rotherham	22.7%	20.5% - 24.8%
Rugby	16.9%	11.8% - 22.1%
Runnymede	12.3%	7.2% - 17.4%
Rushcliffe	14.6%	10.0% - 19.3%
Rushmoor	18.6%	12.8% - 24.5%
Rutland	13.0%	9.7% - 16.4%
Ryedale	24.3%	17.1% - 31.5%
Salford	26.3%	24.0% - 28.7%
Sandwell	22.8%	20.7% - 24.8%
Scarborough	22.8%	17.2% - 28.4%
Sedgemoor	20.2%	15.8% - 24.6%

Seflon	19.7%	17.5% - 22.0%
Selby	15.6%	10.5% - 20.6%
Sevenoaks	16.0%	11.2% - 20.9%
Sheffield	23.2%	21.1% - 25.4%
Shepway	27.1%	21.6% - 32.6%
Shropshire	19.8%	17.6% - 22.0%
Slough	21.4%	19.0% - 23.7%
Solihull	12.1%	10.5% - 13.7%
South Bucks	14.0%	8.7% - 19.3%
South Cambridgeshire	15.9%	12.0% - 19.8%
South Derbyshire	13.5%	8.6% - 18.1%
South Gloucestershire	17.5%	15.2% - 19.7%
South Hams	20.3%	15.5% - 25.1%
South Holland	19.6%	14.4% - 24.9%
South Kesteven	16.5%	12.5% - 20.6%
South Lakeland	12.7%	8.9% - 16.4%
South Norfolk	17.1%	13.0% - 21.2%
South Northamptonshire	12.1%	7.6% - 16.7%
South Oxfordshire	13.2%	9.3% - 17.0%
South Ribble	18.4%	13.7% - 23.1%
South Somerset	20.2%	16.2% - 24.2%
South Staffordshire	10.5%	6.8% - 14.3%
South Tyneside	20.7%	18.7% - 22.7%
Southampton	22.5%	20.3% - 24.7%
Southend-on-Sea	22.0%	19.8% - 24.3%
Southwark	19.7%	16.8% - 22.6%
Spelthorne	16.3%	11.0% - 21.5%
St Albans	16.2%	12.0% - 20.4%
St Edmundsbury	18.5%	13.8% - 23.2%
St. Helens	23.1%	20.8% - 25.3%
Stafford	16.5%	12.1% - 21.0%
Staffordshire Moorlands	10.4%	6.0% - 14.8%
Stevenage	22.3%	16.0% - 28.5%
Stockport	19.5%	17.4% - 21.6%
Stockton-on-Tees	21.6%	19.3% - 23.8%
Stoke-on-Trent	26.0%	25.5% - 30.6%
Stratford-on-Avon	19.8%	15.7% - 23.9%
Stroud	18.5%	13.7% - 23.2%
Suffolk Coastal	20.1%	15.9% - 24.4%
Sunderland	23.4%	21.3% - 25.6%
Surrey Heath	15.2%	9.6% - 20.8%
Sutton	16.8%	13.9% - 19.8%
Swale	23.1%	18.5% - 27.6%
Swindon	21.5%	19.1% - 23.8%
Tameside	25.0%	22.7% - 27.4%
Tamworth	18.7%	13.1% - 24.3%
Tandridge	13.0%	8.1% - 17.9%
Taunton Deane	12.8%	6.5% - 17.1%
Telgnbridge	18.0%	13.9% - 22.1%
Telford and Wrekin	22.8%	20.6% - 25.0%
Tendring	22.3%	17.7% - 26.9%
Test Valley	16.2%	11.7% - 20.7%
Tewkesbury	10.8%	6.8% - 14.8%
Thanet	24.0%	19.1% - 29.0%
Three Rivers	16.5%	10.6% - 20.5%
Thurrock	20.7%	18.4% - 23.1%
Tonbridge and Malling	17.1%	12.1% - 22.0%
Torbay	21.1%	19.1% - 23.1%

Torridge	18.8%	11.9% - 25.7%
Tower Hamlets	19.3%	16.6% - 22.1%
Trafford	20.8%	18.6% - 23.0%
Tunbridge Wells	19.3%	14.7% - 24.0%
Uttlesford	11.6%	7.0% - 16.2%
Vale of White Horse	11.7%	6.2% - 15.2%
Wakefield	24.8%	22.5% - 27.0%
Walsall	23.6%	21.3% - 25.9%
Waltham Forest	23.1%	19.9% - 26.3%
Wandsworth	13.6%	11.1% - 16.5%
Warrington	17.8%	15.6% - 20.1%
Warwick	18.6%	14.4% - 22.8%
Watford	14.3%	8.6% - 19.7%
Waveney	20.3%	15.6% - 24.9%
Waverley	18.5%	13.7% - 23.3%
Wealden	14.6%	11.4% - 17.9%
Wellingborough	27.8%	20.1% - 35.4%
Welwyn Hatfield	20.4%	14.4% - 26.4%
West Berkshire	18.6%	16.6% - 20.9%
West Devon	15.1%	9.3% - 20.9%
West Dorset	14.7%	11.2% - 18.2%
West Lancashire	22.5%	17.4% - 27.6%
West Lindsey	18.6%	13.0% - 24.2%
West Oxfordshire	13.1%	8.8% - 17.3%
West Somerset	17.4%	9.6% - 25.2%
Westminster	17.0%	14.5% - 19.6%
Weymouth and Portland	19.2%	14.3% - 24.2%
Wigan	21.8%	19.7% - 24.0%
Wiltshire	17.2%	15.2% - 19.3%
Winchester	12.9%	8.7% - 17.2%
Windsor and Maidenhead	14.8%	12.8% - 16.7%
Wirral	18.4%	16.3% - 20.4%
Woking	19.6%	14.1% - 26.5%
Wokingham	12.8%	10.8% - 14.7%
Wolverhampton	22.9%	20.8% - 24.9%
Worcester	21.4%	15.4% - 27.3%
Worthing	19.3%	13.9% - 24.7%
Wychavon	16.7%	12.5% - 20.9%
Wycombe	14.5%	11.3% - 17.6%
Wyre	19.6%	15.0% - 24.7%
Wyre Forest	16.6%	12.2% - 21.1%
York	17.6%	15.6% - 19.7%
<b>England</b>	<b>19.5%</b>	<b>19.4% - 19.7%</b>

1. The names and geographic areas are in line with the new Government Statistical Service  
 Note: City of London is not included in the list as smoking prevalence data was not available  
 Cornwall UA comprises the former Cornwall and Isle of Scilly county.

2. Smoking prevalence source: Integrated Household Survey - January 2012 to December 2

3. 18+ population estimates source: Mid year 2012 and 2013 population estimates for UK, C  
 Population estimates for Cornwall and Isle of Scilly have been combined as Cornwall UA

4. UK Tobacco sales in 2012 were £18,718 million (source: Statistics on smoking, England -  
 The UK (£18,082 million) and England (£14,723 million) tobacco sales estimated for 2013 w  
 This is equivalent to the annual percent reduction of sales between 2012 and 2013 as report  
 (source: Commonwealth Treasury tobacco clearances data 2013. <http://www.health.gov.au/>)



nd unitary authorities in England

2012 Estimates		
18+ population <sup>3</sup>	No. of smokers in population	Tobacco sales (£) <sup>4</sup>
49,586	11,176	£20,724,258
77,770	16,687	£30,943,405
98,407	18,896	£35,037,820
124,322	22,522	£41,763,088
94,324	22,580	£41,870,153
92,120	16,605	£30,790,194
136,660	18,198	£33,743,748
69,921	8,767	£16,256,043
134,913	29,569	£54,829,979
278,645	38,642	£71,852,901
184,535	43,624	£80,891,093
54,614	14,254	£26,431,385
136,183	29,121	£53,999,710
131,826	19,731	£36,596,628
90,144	17,579	£32,596,332
143,793	23,960	£44,429,708
123,100	21,403	£39,686,956
179,715	31,743	£58,860,490
808,298	141,095	£261,632,329
74,573	13,890	£25,756,322
109,082	28,150	£52,198,877
112,914	33,280	£61,710,134
60,783	12,373	£22,942,616
213,720	48,947	£90,761,404
51,777	9,518	£17,650,188
153,985	30,021	£55,668,085
88,076	15,636	£28,993,626
387,205	88,260	£163,659,809
115,774	21,572	£40,001,155
105,548	18,487	£34,280,349
242,992	36,967	£68,548,367
58,601	4,944	£9,166,793
225,704	53,400	£99,019,680
343,097	73,066	£135,485,336
101,398	16,806	£31,163,076
244,441	43,609	£80,864,378
75,309	10,167	£18,853,000
73,097	14,096	£26,138,512
89,308	17,053	£31,621,159
67,629	16,736	£31,034,097
143,980	30,027	£55,678,161
159,720	37,850	£70,184,976
104,287	12,017	£22,283,143
184,220	32,917	£61,037,639
77,320	21,493	£39,854,639
124,418	26,605	£49,333,053
87,026	21,462	£39,796,653
71,267	13,704	£25,410,605
202,800	37,093	£68,780,780
136,058	27,943	£51,814,026

18+ population <sup>3</sup>
49,988
77,863
99,293
125,464
95,486
93,288
139,372
70,369
136,747
282,465
186,297
54,164
137,565
132,959
90,737
145,863
124,626
181,780
812,307
75,068
108,833
112,370
61,017
214,210
52,411
155,209
89,178
388,064
118,437
106,210
244,716
59,064
227,451
346,951
101,820
247,450
75,648
73,512
89,783
67,437
144,168
160,676
105,144
187,334
77,520
126,346
88,998
71,637
208,519
137,704

133,729	24,492	£45,415,178
93,399	19,821	£36,754,431
110,803	19,768	£36,655,111
297,148	48,329	£89,616,067
264,148	39,735	£73,680,142
83,168	14,864	£27,561,569
93,366	20,300	£37,641,530
71,400	9,789	£18,151,165
86,502	12,304	£22,814,493
39,437	7,131	£13,222,452
194,319	43,827	£81,268,560
139,488	28,643	£53,113,345
56,809	14,685	£27,229,943
48,187	13,178	£24,436,332
436,273	88,564	£164,223,132
67,780	10,977	£20,354,967
414,109	91,937	£170,478,360
251,297	45,029	£83,497,130
44,896	5,066	£9,393,030
83,206	18,863	£34,978,449
278,157	47,523	£88,120,756
113,700	19,736	£36,596,055
82,492	17,559	£32,559,531
76,018	16,581	£30,746,817
61,500	12,559	£23,287,423
193,130	38,172	£70,782,990
57,872	10,823	£20,068,155
237,831	60,278	£111,772,847
88,808	20,335	£37,706,494
246,155	45,922	£85,153,056
262,575	51,419	£95,345,919
66,469	11,492	£21,309,959
110,480	14,354	£26,616,496
72,222	12,006	£22,262,027
91,707	16,541	£30,671,056
107,882	16,362	£30,340,495
112,585	27,479	£50,954,943
67,705	13,175	£24,430,043
272,017	51,999	£96,420,847
89,461	10,268	£19,040,184
80,676	18,747	£34,763,295
99,432	16,400	£30,410,638
43,076	6,590	£12,219,161
99,756	15,434	£28,618,759
237,166	42,636	£79,060,096
99,742	15,088	£27,977,843
59,012	7,277	£13,494,180
89,722	14,094	£26,134,068
98,112	12,173	£22,573,064
90,488	14,613	£27,096,640
76,780	22,685	£42,064,580
47,799	10,488	£19,448,211
66,395	11,550	£21,416,211
62,369	8,385	£15,548,728
159,783	36,543	£67,762,009
90,656	13,508	£25,047,527
95,832	17,446	£32,350,825
65,008	17,233	£31,955,392

134,621
93,241
111,585
297,777
264,903
83,615
93,985
71,654
87,664
39,702
198,401
140,704
58,586
49,002
438,977
68,314
415,740
256,633
45,034
83,450
281,124
114,940
82,637
77,258
61,900
193,588
58,072
238,646
89,338
246,783
262,978
66,472
110,987
72,344
92,465
109,310
112,750
68,423
272,607
89,975
61,028
100,232
43,054
99,750
239,600
100,645
59,887
90,163
100,224
91,326
77,451
49,845
66,849
62,694
159,800
91,555
96,571
65,335

78,868	15,712	£29,134,163
77,675	18,842	£34,938,461
197,550	36,350	£67,403,584
111,476	11,945	£22,149,569
97,677	22,122	£41,020,931
72,536	13,871	£25,720,260
146,980	34,999	£64,897,971
67,718	10,546	£19,555,922
200,710	41,319	£76,617,792
63,311	15,410	£28,574,359
125,167	23,362	£43,319,313
187,179	24,709	£45,817,663
71,215	7,407	£13,734,473
71,946	20,314	£37,668,594
71,330	19,832	£36,774,921
96,353	15,818	£29,331,647
198,337	36,422	£67,537,890
148,939	24,618	£48,020,464
77,489	16,122	£29,894,103
72,421	12,741	£23,626,360
215,790	37,784	£70,063,314
84,761	17,198	£31,890,766
104,033	13,787	£25,564,616
199,764	33,834	£62,737,503
134,238	24,385	£45,217,897
61,618	18,568	£34,429,777
104,716	22,364	£41,469,363
112,792	22,244	£41,246,726
173,619	38,263	£70,951,669
129,018	22,568	£41,847,288
73,526	14,056	£26,083,491
120,215	24,522	£45,471,028
202,330	60,211	£111,648,509
128,989	19,528	£36,210,879
328,177	66,886	£124,025,542
113,472	26,761	£49,622,638
248,639	52,974	£98,229,553
113,356	25,393	£47,086,484
600,830	141,733	£262,814,305
253,172	51,939	£96,311,052
79,117	12,462	£23,107,377
218,990	46,421	£66,079,043
81,152	15,517	£28,773,458
77,001	22,231	£41,222,497
380,334	93,074	£172,587,287
152,967	32,460	£60,190,251
123,193	25,110	£46,562,169
49,710	8,075	£14,973,560
60,638	8,412	£15,597,673
400,003	98,512	£182,670,495
83,129	21,833	£40,485,428
206,916	53,043	£98,357,309
40,291	6,535	£12,117,913
86,459	13,326	£24,709,698
157,773	23,982	£44,469,642
61,682	14,570	£27,016,430
77,468	16,211	£30,059,353
110,139	20,137	£37,340,838

79,842
78,040
200,318
112,442
97,819
72,819
145,357
68,817
204,425
63,646
124,886
167,629
71,741
72,478
71,579
96,682
189,960
150,027
78,026
72,687
219,259
85,288
104,767
201,963
135,205
61,517
104,903
112,702
177,322
128,272
74,154
120,146
202,325
131,100
330,310
113,703
252,274
113,986
602,908
254,324
79,724
220,491
81,799
77,723
381,379
154,310
124,783
50,032
61,192
401,609
83,604
209,266
40,427
86,772
158,248
62,033
78,007
111,350



107,107	26,102	£48,400,831
189,455	34,262	£63,532,065
67,782	8,102	£15,023,720
144,501	24,204	£44,881,578
91,904	16,796	£31,144,695
227,904	52,127	£98,657,996
100,339	22,060	£40,906,854
234,321	36,801	£68,239,608
75,463	13,283	£24,631,259
55,085	10,417	£19,316,770
80,620	15,810	£29,316,134
125,354	32,377	£60,036,082
100,196	16,995	£31,513,808
87,363	16,484	£30,566,088
132,896	32,586	£60,424,397
84,996	12,810	£23,754,390
162,567	24,035	£44,568,223
161,113	37,033	£68,670,342
49,793	5,187	£9,617,602
74,073	13,460	£24,958,980
165,558	36,500	£67,882,279
255,103	45,022	£83,463,808
108,475	24,932	£46,231,621
245,725	59,974	£111,209,768
98,556	19,518	£36,191,618
44,775	8,592	£15,931,523
169,175	41,526	£77,002,281
123,549	20,985	£38,912,652
69,062	18,621	£34,528,186
141,378	29,770	£55,201,546
207,114	49,618	£92,006,170
119,178	23,237	£43,088,370
164,363	38,978	£68,568,125
110,465	20,310	£37,660,775
36,875	4,408	£8,173,379
122,894	24,546	£45,514,646
212,689	31,301	£58,040,947
107,475	23,471	£43,522,130
65,617	16,342	£30,302,438
108,814	16,389	£30,389,611
45,537	7,237	£13,419,614
147,296	20,631	£38,256,064
43,511	7,895	£14,640,443
161,306	38,591	£71,559,419
66,785	9,510	£17,634,575
53,264	11,185	£20,739,473
74,710	7,763	£14,394,791
202,242	45,884	£85,082,916
78,434	13,281	£24,626,258
66,250	8,149	£15,110,492
88,364	12,927	£23,969,857
73,417	13,683	£25,373,210
29,220	3,810	£7,064,657
42,268	10,274	£19,051,177
185,532	48,865	£90,609,206
235,618	53,632	£99,449,215
89,001	20,310	£37,661,555
92,185	18,597	£34,484,081

107,219
191,511
68,201
145,122
92,974
231,453
101,325
237,000
75,409
55,627
80,782
125,404
100,951
87,868
133,409
85,386
163,910
161,678
49,785
74,829
166,908
255,418
110,644
246,983
98,798
44,786
170,144
125,377
69,310
142,556
207,877
119,566
164,660
110,033
37,031
124,171
215,220
107,472
65,723
109,676
45,910
148,509
43,411
161,558
66,995
53,634
74,924
202,588
78,881
67,352
89,437
73,678
29,838
42,485
186,744
237,462
88,660
93,377

219,863	43,386	£80,450,001
66,749	10,388	£19,280,177
90,698	14,534	£26,949,786
443,374	103,080	£191,140,760
86,957	23,574	£43,712,826
247,679	49,059	£90,970,412
103,548	22,111	£41,000,314
162,279	19,590	£36,325,514
52,893	7,396	£13,696,111
117,491	18,722	£34,716,925
74,732	10,061	£18,656,718
209,101	36,554	£67,781,536
68,280	13,837	£25,657,575
71,563	14,061	£26,072,614
106,734	17,635	£32,700,289
85,284	10,795	£20,016,237
100,178	17,088	£31,705,181
67,411	8,176	£15,160,571
106,031	13,970	£25,905,316
86,512	15,912	£29,504,684
130,271	26,366	£48,889,747
88,120	9,271	£17,191,792
118,928	24,630	£45,671,426
192,375	43,317	£80,321,913
137,221	30,236	£56,067,371
233,262	45,943	£65,192,777
76,683	12,461	£23,106,624
107,609	17,434	£32,328,180
88,513	16,363	£30,342,641
139,707	32,220	£59,745,861
106,506	17,622	£32,676,246
78,925	8,219	£15,241,085
65,325	14,535	£26,852,810
223,209	43,441	£80,552,273
150,283	32,387	£60,054,410
195,120	54,727	£101,479,142
97,371	19,244	£35,683,893
90,020	18,612	£30,804,462
99,541	20,045	£37,169,920
221,054	51,785	£96,023,981
67,485	10,233	£16,974,319
149,672	25,218	£46,762,090
106,348	24,518	£45,464,496
164,550	35,317	£65,488,559
171,737	42,993	£79,720,790
59,783	11,177	£20,726,129
65,440	8,504	£15,768,459
88,378	11,332	£21,012,302
101,685	18,274	£33,895,157
126,689	29,349	£54,421,689
112,460	25,045	£46,440,942
92,165	14,929	£27,683,294
66,316	7,133	£13,226,685
106,284	25,547	£47,371,527
68,682	10,661	£19,769,379
120,531	24,989	£46,337,578
93,351	15,933	£29,544,689
106,633	22,477	£41,679,042

219,646
67,137
91,226
445,431
87,269
248,550
104,010
163,587
53,218
117,785
75,732
212,159
68,461
72,122
108,017
85,400
101,393
68,440
106,477
86,453
131,107
90,178
119,084
194,254
137,929
237,369
77,250
108,299
88,349
139,950
106,915
79,167
65,952
224,011
150,920
185,150
97,649
90,635
99,869
221,536
67,813
151,229
107,588
166,064
171,930
59,899
66,252
89,213
102,555
129,499
112,924
93,287
67,310
107,152
69,155
121,434
94,361
107,155

52,565	9,902	£18,360,931	52,888
205,348	39,694	£73,605,214	212,378
176,157	36,582	£67,833,536	177,254
88,736	17,137	£31,776,349	89,023
62,784	7,293	£13,522,851	63,897
96,279	11,271	£20,900,640	96,986
259,246	64,232	£119,105,893	260,843
207,444	49,046	£90,946,436	208,276
199,733	46,079	£85,443,589	202,000
251,353	34,643	£84,237,443	252,281
159,549	28,442	£52,738,964	160,810
111,948	20,843	£38,648,870	111,687
70,354	10,027	£18,593,218	71,528
93,060	18,848	£34,950,607	93,410
94,277	17,463	£32,381,349	94,626
120,685	17,641	£32,711,679	122,251
58,863	16,337	£30,292,926	58,598
88,913	18,116	£33,593,105	90,619
118,994	22,324	£41,395,331	119,664
43,831	6,631	£12,295,451	43,950
81,337	11,932	£22,124,706	81,846
88,344	19,671	£36,847,440	88,957
72,095	13,387	£24,823,325	72,837
84,731	11,059	£20,507,485	85,433
29,048	5,053	£9,370,459	28,913
186,276	31,719	£58,816,725	187,732
52,808	10,151	£18,823,602	52,853
250,995	54,834	£101,679,098	251,917
373,252	64,309	£119,247,074	376,198
92,613	11,978	£22,210,651	93,366
112,904	16,662	£30,896,523	113,296
252,587	46,361	£95,966,820	252,839
76,713	15,205	£28,193,706	76,595
120,682	15,403	£28,560,782	121,369
194,617	44,472	£82,464,237	194,708
78,770	16,827	£31,201,561	79,397
84,494	16,305	£30,233,416	84,828
95,042	15,852	£29,394,160	95,976
133,657	19,425	£36,019,619	133,969
88,061	17,479	£32,411,165	88,506
79,088	13,167	£24,414,879	79,270
163,951	28,894	£53,578,891	166,102
<b>42,063,608</b>	<b>8,215,102</b>	<b>£15,233,219,320</b>	<b>42,352,647</b>

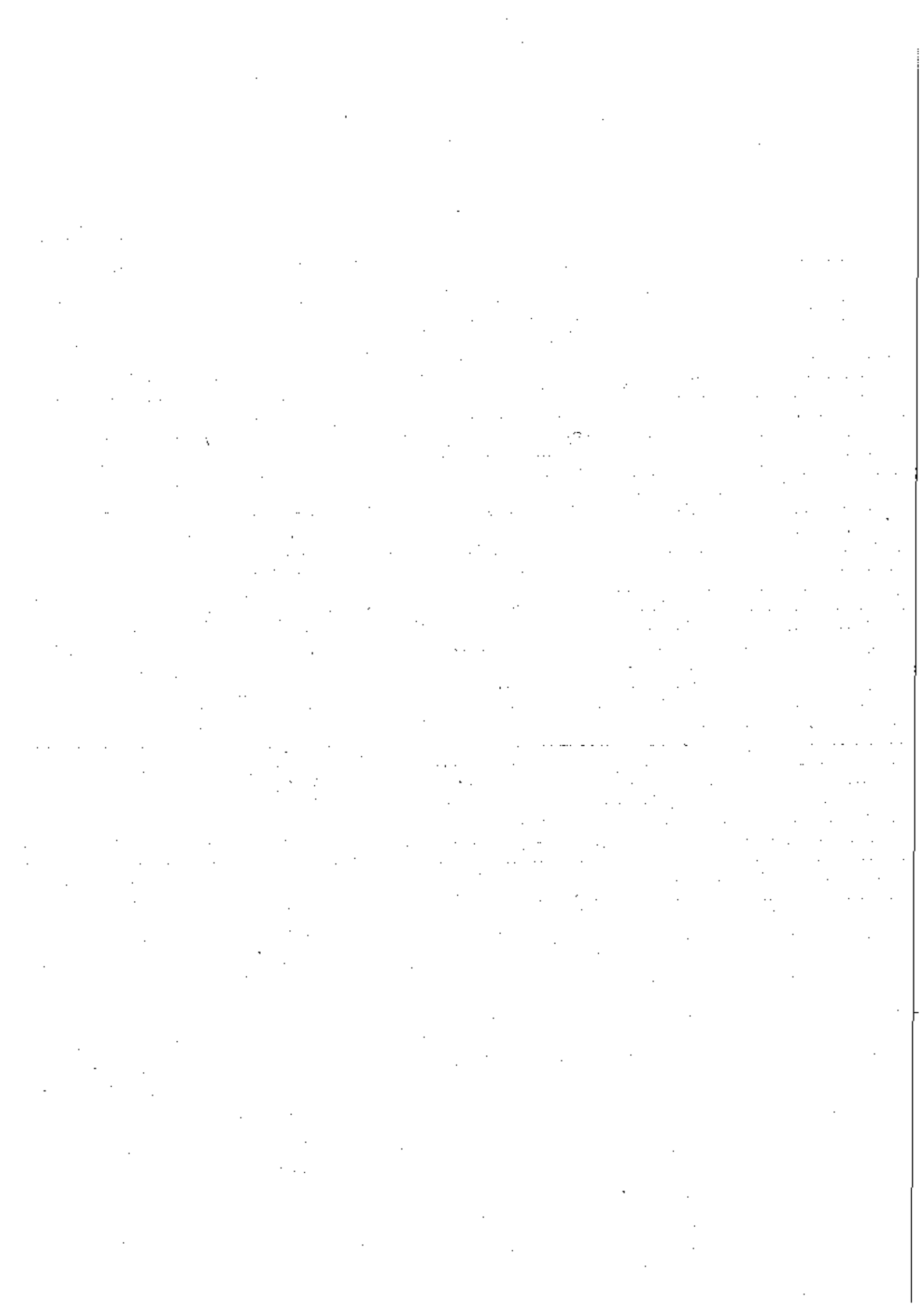
...naming policy implemented from 1st January 2010  
...s for this local authority

...2012, ONS (experimental statistics).

...ONS.

...comprises the former Cornwall and Isle of Scilly county.

...2013, Chapter tables - HSCIC) and estimated England sales were £15,233 million.  
...ere based on a 3.4 percent reduction of sales from 2012.  
...ed by the Australian Department of Health.  
...nternet/main/publishing.nsf/Content/tobacco-kff).



## 2013 estimates

No. of smokers in population	Tobacco sales (£) <sup>4</sup>
11,267	£20,058,910
16,707	£29,745,844
19,066	£33,944,555
22,729	£40,467,177
22,858	£40,698,889
16,615	£29,938,045
18,559	£33,042,021
8,823	£15,708,249
29,971	£53,360,667
39,171	£69,740,705
44,040	£78,409,192
14,137	£25,188,993
29,417	£52,373,989
19,900	£35,430,576
17,694	£31,503,260
24,309	£43,279,235
21,668	£38,577,809
32,108	£57,164,290
141,785	£252,452,261
13,982	£24,994,090
28,086	£50,004,356
33,119	£58,965,535
12,420	£22,113,161
49,059	£87,344,376
9,635	£17,154,342
30,260	£53,874,584
15,832	£28,186,739
88,456	£157,486,696
21,696	£38,627,061
18,603	£33,120,722
37,230	£66,283,689
4,983	£8,871,037
53,814	£95,809,656
73,886	£131,547,526
16,876	£30,045,760
44,146	£78,597,697
10,213	£18,183,195
14,176	£25,239,382
17,144	£30,522,542
16,689	£29,712,799
30,066	£53,529,220
38,077	£67,791,467
12,116	£21,570,983
33,473	£59,595,946
21,549	£38,365,421
27,017	£48,101,148
21,455	£38,198,470
13,775	£24,524,665
37,773	£67,250,935
26,281	£50,351,102

Net savings (£)
£665,348
£1,197,561
£1,093,365
£1,295,911
£1,173,265
£852,148
£701,727
£547,795
£1,469,311
£1,912,196
£2,481,900
£1,262,393
£1,625,721
£1,156,052
£1,093,073
£1,150,474
£1,109,147
£1,696,200
£9,180,067
£862,233
£2,194,521
£2,744,599
£829,455
£3,417,028
£495,846
£1,793,501
£807,087
£6,173,213
£1,374,094
£1,159,626
£2,264,678
£295,755
£3,210,024
£3,937,811
£1,117,316
£2,266,680
£669,805
£899,130
£1,098,617
£1,321,299
£2,148,962
£2,393,509
£712,160
£1,441,692
£1,489,218
£1,231,905
£1,598,184
£885,940
£1,529,845
£1,462,924

24,655	£43,896,248
19,788	£35,230,075
19,907	£35,442,798
48,431	£86,227,021
39,848	£70,946,206
14,944	£26,605,477
20,434	£36,381,133
9,824	£17,499,843
12,469	£22,199,599
7,179	£12,780,848
44,748	£79,689,176
28,893	£51,441,357
14,627	£26,042,205
13,401	£23,859,377
89,113	£158,656,156
11,064	£19,697,800
92,299	£164,329,532
45,985	£81,872,096
5,061	£9,046,441
18,919	£33,683,051
48,029	£85,511,655
19,951	£35,520,917
17,590	£31,316,991
16,652	£30,003,115
12,640	£22,504,851
38,263	£66,123,470
10,860	£19,335,032
60,484	£107,886,479
20,457	£36,420,780
46,039	£81,968,310
51,498	£91,696,907
11,493	£20,461,684
14,419	£25,670,787
12,026	£21,410,986
16,677	£29,692,228
16,579	£29,517,036
27,520	£48,896,099
13,315	£23,705,263
52,111	£92,779,295
10,327	£18,386,473
18,829	£33,523,616
16,532	£29,433,704
6,586	£11,726,238
15,433	£27,476,654
43,074	£76,688,614
15,225	£27,106,130
7,385	£13,148,550
14,163	£25,215,865
12,435	£22,140,085
14,748	£26,257,783
22,883	£40,741,278
10,937	£19,472,495
11,628	£20,703,384
8,429	£15,008,909
36,547	£65,068,627
13,612	£24,234,412
17,581	£31,301,180
17,320	£30,836,310

£1,518,930
£1,524,356
£1,212,313
£3,389,045
£2,733,937
£956,093
£1,260,396
£661,322
£614,894
£441,604
£1,599,385
£1,671,988
£1,187,738
£576,955
£5,566,976
£657,167
£6,148,848
£1,625,033
£346,589
£1,295,399
£2,609,101
£1,075,138
£1,242,541
£743,702
£782,573
£2,659,520
£733,123
£4,086,368
£1,285,714
£3,184,746
£3,659,012
£848,275
£945,709
£851,031
£978,828
£823,460
£1,958,844
£724,781
£3,641,552
£653,712
£1,239,679
£976,934
£492,923
£1,142,105
£2,371,462
£871,712
£345,629
£918,103
£432,979
£838,857
£1,323,302
-£24,285
£712,827
£541,820
£2,693,382
£813,116
£1,049,645
£1,119,082

15,886	£28,282,772
19,930	£33,703,805
36,859	£65,624,363
12,049	£21,451,202
22,154	£39,443,109
13,925	£24,791,661
34,612	£61,623,732
10,717	£19,081,349
42,084	£74,926,215
15,491	£27,580,847
23,309	£41,499,670
24,768	£44,097,599
7,462	£13,284,558
20,464	£36,434,946
19,902	£35,432,706
15,872	£28,258,949
36,736	£65,405,334
25,000	£44,509,340
16,233	£28,901,740
12,789	£22,768,175
38,392	£68,352,744
17,305	£30,810,303
13,884	£24,719,053
34,206	£60,900,518
24,561	£43,729,725
18,537	£33,003,571
22,404	£39,867,920
22,226	£39,571,451
39,080	£69,577,233
22,437	£39,947,357
14,176	£25,238,608
24,508	£43,633,957
60,209	£107,196,687
19,849	£35,336,884
67,320	£119,857,132
26,815	£47,742,179
53,705	£95,617,059
25,534	£45,461,361
142,223	£253,213,936
52,176	£92,993,851
12,557	£22,358,771
47,170	£83,982,296
15,641	£27,847,101
22,439	£39,950,908
93,330	£168,165,026
32,745	£58,299,072
25,435	£45,283,685
8,127	£14,469,994
8,488	£15,112,933
98,908	£176,095,298
21,958	£39,094,206
53,671	£95,556,524
6,557	£11,674,289
13,374	£23,810,910
24,054	£42,826,083
14,653	£26,087,440
16,323	£29,062,304
20,359	£36,247,021

£851,390
£1,234,656
£1,779,221
£698,367
£1,577,821
£928,599
£3,274,239
£474,573
£1,691,577
£993,512
£1,819,643
£1,720,064
£449,915
£1,233,648
£1,342,215
£1,072,698
£2,132,556
£1,511,124
£992,364
£858,185
£1,710,570
£1,080,462
£845,563
£1,836,985
£1,489,173
£1,426,206
£1,581,443
£1,675,275
£1,374,436
£1,899,931
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£1,837,071
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£2,612,494
£1,625,123
£9,600,369
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£750,606
£2,096,747
£926,357
£1,271,589
£6,422,271
£1,891,179
£1,278,484
£503,567
£484,740
£6,575,197
£1,391,222
£2,800,785
£443,623
£898,787
£1,643,560
£928,990
£997,050
£1,093,817

26,129	£46,520,661
34,634	£61,662,310
8,152	£14,514,197
24,308	£43,278,249
16,992	£30,251,739
52,938	£94,251,402
22,277	£39,662,489
37,222	£66,269,369
13,274	£23,632,785
10,520	£16,729,490
15,842	£28,204,453
32,390	£57,666,649
17,123	£30,485,989
16,579	£29,517,680
32,712	£58,240,448
12,869	£22,812,434
24,234	£43,145,703
37,163	£66,165,061
5,186	£9,232,859
13,597	£24,208,953
36,798	£65,515,057
45,077	£80,255,971
25,198	£44,863,299
60,281	£107,324,734
19,566	£34,834,714
8,594	£15,300,413
41,764	£74,357,232
21,296	£37,914,788
18,688	£33,271,293
30,018	£53,443,389
49,801	£88,665,181
23,313	£41,505,996
37,045	£66,954,661
20,231	£36,018,587
4,426	£7,880,871
24,801	£44,154,994
31,673	£56,391,189
23,470	£41,786,615
16,368	£29,141,892
16,519	£29,409,737
7,296	£12,990,366
20,801	£37,034,055
7,877	£14,024,718
38,651	£68,815,127
9,540	£16,985,081
11,262	£20,051,335
7,785	£13,860,750
45,963	£81,832,138
13,356	£23,779,659
8,284	£14,749,673
13,084	£23,294,129
13,732	£24,448,701
3,890	£6,926,594
10,327	£18,385,900
49,184	£87,566,769
54,052	£96,233,478
20,233	£36,022,202
18,837	£33,538,025

£1,880,169
£1,869,755
£509,523
£1,603,328
£892,956
£2,406,594
£1,244,165
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£996,475
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£1,111,682
£2,369,435
£1,027,819
£1,048,407
£2,183,948
£841,656
£1,422,521
£2,505,280
£384,743
£750,027
£2,167,222
£3,227,837
£1,368,322
£3,885,034
£1,356,904
£631,110
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£979,874
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£138,063
£665,277
£3,042,439
£3,215,737
£1,639,353
£946,056



43,343	£77,167,845
10,458	£18,619,472
14,618	£26,026,479
103,558	£184,375,280
23,658	£42,121,489
49,232	£87,652,420
22,210	£39,542,100
19,748	£35,159,072
7,432	£13,231,126
18,769	£33,416,873
10,196	£18,152,951
37,088	£66,032,224
13,874	£24,700,429
14,170	£25,229,170
17,847	£31,774,599
10,809	£19,244,734
17,306	£30,810,945
8,301	£14,778,622
14,029	£24,977,618
15,901	£28,309,588
26,535	£47,242,742
9,488	£16,892,208
24,662	£43,908,948
43,740	£77,874,371
30,393	£54,110,851
46,752	£83,238,080
12,553	£22,349,873
17,546	£31,238,939
16,333	£29,079,513
32,276	£57,464,778
17,890	£31,484,585
8,245	£14,678,601
14,675	£26,127,134
43,597	£77,620,174
32,524	£57,805,660
54,735	£97,450,197
19,299	£34,359,716
16,726	£29,776,974
20,111	£35,906,304
51,898	£92,398,476
10,282	£16,306,742
25,491	£45,365,698
24,804	£44,161,728
35,642	£63,457,390
43,041	£76,629,952
11,199	£19,938,810
8,609	£15,327,952
11,439	£20,385,580
18,430	£32,813,202
29,534	£52,581,887
25,148	£44,774,254
15,111	£26,903,701
7,240	£12,889,957
25,756	£45,855,237
10,735	£19,112,296
25,177	£44,824,354
16,106	£28,674,255
22,587	£40,214,040

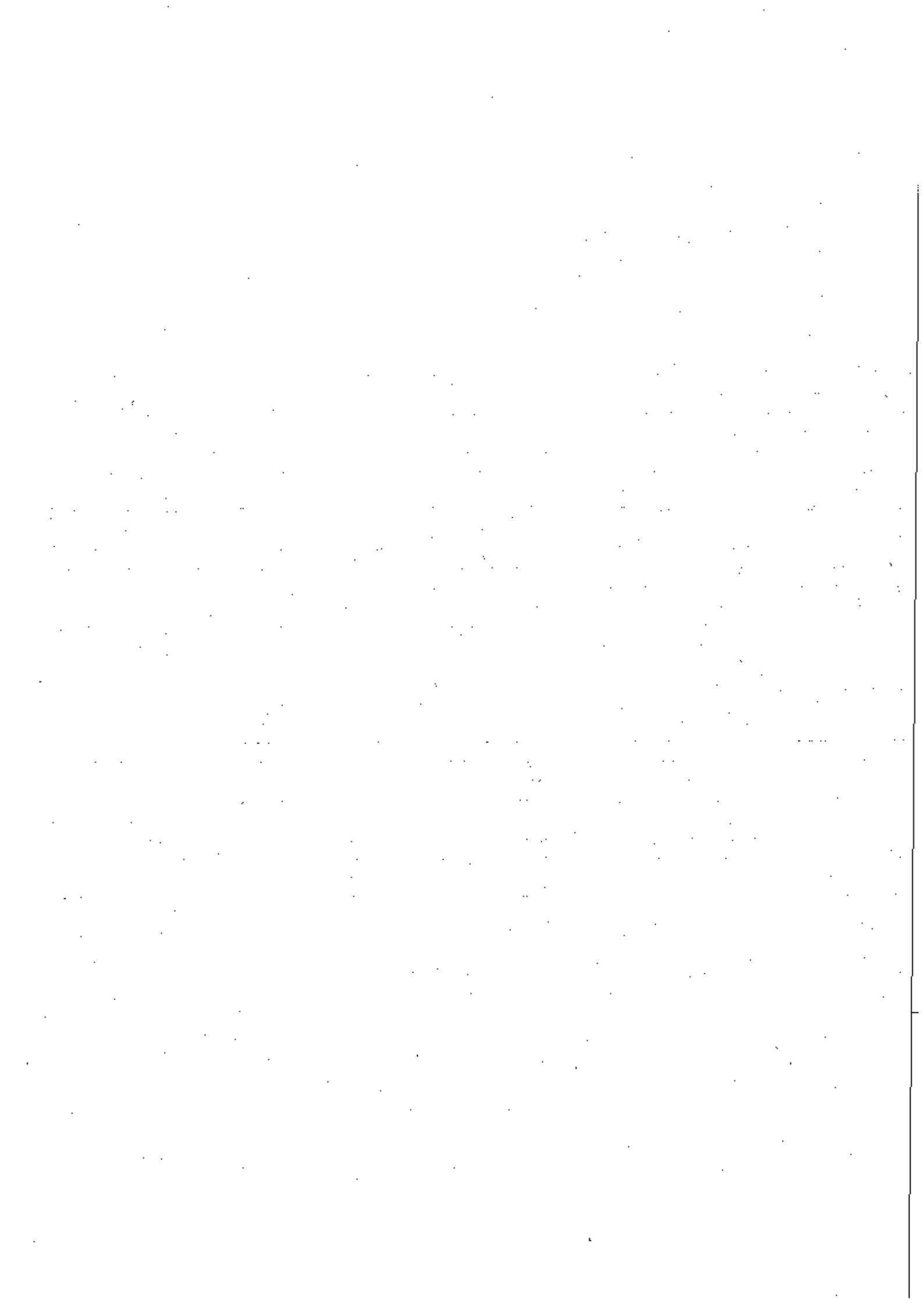
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£1,591,358
£3,317,992
£1,458,214
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£1,300,052
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£1,749,312
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£381,948
£927,699
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£646,722
£1,071,955
£1,839,801
£1,666,688
£779,593
£336,729
£1,516,290
£657,084
£1,513,224
£870,434
£1,465,002

9,963	£17,737,579
41,053	£73,091,487
36,810	£65,535,974
17,192	£30,608,746
7,422	£13,214,140
11,354	£20,215,116
64,628	£115,064,019
49,243	£87,672,462
46,602	£82,069,828
34,770	£61,905,307
28,666	£51,037,539
20,794	£37,022,203
10,194	£18,150,183
18,919	£33,684,043
17,528	£31,206,052
17,870	£31,815,674
16,263	£28,953,826
18,485	£32,910,315
22,450	£39,969,524
6,649	£11,837,531
12,006	£21,375,977
20,009	£35,624,564
13,525	£24,079,420
11,151	£19,853,400
5,030	£8,955,235
31,967	£56,914,302
10,160	£18,088,886
55,036	£97,985,826
64,816	£115,398,785
12,075	£21,498,950
16,720	£29,768,300
46,407	£82,623,407
15,181	£27,028,553
15,490	£27,578,747
44,493	£79,215,075
16,961	£30,196,648
16,369	£29,143,369
16,008	£28,500,160
19,470	£34,664,875
17,567	£31,276,862
13,197	£23,495,896
29,274	£52,118,713

<b>8,289,219</b>	<b>£14,722,528,180</b>
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£623,352
£513,727
£2,297,561
£1,167,603
£308,711
£685,524
£4,041,874
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£682,790
£1,425,807
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£1,222,876
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£1,004,913
£1,090,048
£894,000
£1,354,644
£1,134,329
£918,983
£1,460,178

<b>£510,891,130</b>
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**Table 2: Estimated tobacco sales (2012 and 2013) by Public Health England (PHE) centres**

PHE centre	2012 Estimates		
	18+ population <sup>1</sup>	No. of smokers in population <sup>2</sup>	Tobacco sales (£) <sup>3</sup>
Anglia and Essex	3,288,732	623,779	£1,156,670,155
Avon, Gloucestershire and Wiltshire	1,876,102	340,781	£631,908,019
Cheshire and Merseyside	1,924,485	380,430	£705,428,723
Cumbria and Lancashire	1,559,294	337,902	£626,570,714
Devon, Cornwall and Somerset	1,788,469	338,356	£627,410,996
East Midlands	3,068,368	604,792	£1,121,462,553
Greater Manchester	2,095,814	484,317	£898,066,683
Kent, Surrey and Sussex	3,557,771	679,330	£1,259,678,601
London	6,448,631	1,160,035	£2,151,047,334
North East	2,077,297	458,910	£850,953,437
South Midlands and Hertfordshire	2,084,219	393,283	£729,262,783
Thames Valley	1,583,101	248,533	£460,853,270
Wessex	2,129,182	384,379	£712,751,364
West Midlands	4,398,307	831,207	£1,541,301,764
Yorkshire and Humber	4,183,836	949,069	£1,759,852,924
<b>England</b>	<b>42,053,608</b>	<b>8,215,102</b>	<b>£15,233,219,320</b>
			<b>42,352,547</b>

1. 18+ population estimates source: Mid year 2012 and 2013 population estimates for UK, ONS.

Note: City of London is not included in the London PHE centre as smoking prevalence data was not available for this local authority

2. The figures for the number of smokers in population were aggregated from the local authorities data presented in the "Data by LA" tab

3. UK Tobacco sales in 2012 were £18,718 million (source: Statistics on smoking, England - 2013, Chapter tables - HSC(IC) and estimated England sales were £18,082 million) and England (£14,723 million) tobacco sales estimated for 2013 were based on a 3.4 percent reduction of sales from 2012. This is equivalent to the annual percent reduction of sales between 2012 and 2013 as reported by the Australian Department of Health. (source: Commonwealth Treasury tobacco clearances data 2013. <http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-krf>).

2013 estimates		
No. of smokers in population. <sup>2</sup>	Tobacco sales (£) <sup>3</sup>	Net savings (£)
627,923	£1,117,954,698	£38,715,458
344,002	£612,462,232	£19,445,767
381,272	£678,817,110	£26,611,613
338,139	£602,023,229	£24,547,484
340,411	£606,067,707	£21,343,288
608,980	£1,084,228,310	£37,234,243
486,115	£865,479,948	£32,586,736
684,959	£1,219,502,059	£40,176,542
1,173,722	£2,089,696,056	£61,351,278
460,763	£820,342,889	£30,610,548
397,410	£707,549,660	£21,713,123
250,523	£446,032,089	£14,821,181
386,639	£688,371,844	£24,379,520
835,706	£1,487,892,164	£53,409,601
952,655	£1,696,108,194	£63,744,729
<b>8,269,219</b>	<b>£14,722,528,190</b>	<b>£510,691,130</b>

£15,233 million.

Table 3: Estimated tobacco sales (2012 and 2013) by Public Health England (PHE) regions

PHE region	2012 Estimates		
	18+ population <sup>1</sup>	No. of smokers in population <sup>2</sup>	Tobacco sales (£) <sup>3</sup>
London	6,448,631	1,160,035	£2,151,047,334
Midlands and East of England	12,839,626	2,453,061	£4,548,697,255
North of England	11,840,726	2,610,628	£4,840,872,481
South of England	10,934,625	1,991,379	£3,692,802,249
<b>England</b>	<b>42,063,608</b>	<b>8,215,102</b>	<b>£15,233,219,320</b>

<b>18+ population<sup>1</sup></b>	<b>6,522,931</b>
<b>12,931,298</b>	
<b>11,879,216</b>	
<b>11,019,102</b>	
<b>42,352,547</b>	

1. 18+ population estimates source: Mid year 2012 and 2013 population estimates for UK, ONS.

Note: City of London is not included in the London PHE region as smoking prevalence data was not available for this local authority

2. The figures for the number of smokers in population were aggregated from the local authorities data presented in the "Data by LA" (a)

3. UK Tobacco sales in 2012 were £18,718 million (source: Statistics on smoking, England - 2013, Chapter tables - HSCIC) and estimated The UK (£18,082 million) and England (£14,723 million) tobacco sales estimated for 2013 were based on a 3.4 percent reduction of sale This is equivalent to the annual percent reduction of sales between 2012 and 2013 as reported by the Australian Department of Health, (source: Commonwealth Treasury tobacco clearances data 2013. <http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco>

Table 4: Estimated tobacco sales (2012 and 2013) by English counties

County	2012 Estimates		
	18+ population <sup>1</sup>	No. of smokers in population <sup>2</sup>	Tobacco sales (£) <sup>3</sup>
Bath and North East Somerset	143,793	23,960	£44,429,708
Bedford	123,100	21,403	£39,686,956
Blackburn with Darwen	109,082	28,150	£52,198,877
Blackpool	112,914	33,280	£61,710,134
Bournemouth	153,965	30,021	£55,668,085
Bracknell Forest	88,076	15,636	£28,993,826
Brighton and Hove	226,704	53,400	£99,019,680
Bristol, City of	343,097	73,066	£135,485,336
Buckinghamshire	384,610	54,797	£101,610,644
Cambridgeshire	499,265	89,302	£165,592,505
Central Bedfordshire	202,800	37,093	£68,780,780
Cheshire East	297,148	48,329	£89,616,067
Cheshire West and Chester	264,148	39,735	£73,880,142
Cornwall	436,273	88,564	£164,223,132
County Durham	414,109	91,937	£170,478,380
Cumbria	404,579	84,472	£156,636,785
Darlington	82,492	17,559	£32,559,531
Derby	193,130	38,172	£70,782,990
Derbyshire	617,726	109,661	£203,343,540
Devon	612,108	103,024	£191,036,364
Dorset	337,764	56,044	£103,922,936
East Riding of Yorkshire	272,017	51,999	£96,420,847
East Sussex	426,518	76,445	£141,752,064
Essex	1,109,834	202,897	£376,230,913
Gloucestershire	479,742	83,540	£154,907,582
Greater London	6,446,631	1,160,035	£2,151,047,334
Greater Manchester	2,095,814	484,317	£898,066,683
Halton	97,677	22,122	£41,020,931
Hampshire	1,048,725	172,637	£319,935,207
Hartlepool	71,946	20,314	£37,668,594

Stockton-on-Tees	150,283	32,387	£60,054,410
Stoke-on-Trent	195,120	54,727	£101,479,142
Suffolk	581,018	113,087	£209,696,138
Surrey	893,688	131,161	£243,210,790
Swindon	164,550	35,317	£65,488,559
Telford and Wrekin	128,689	29,349	£54,421,688
Thurrock	120,531	24,989	£46,337,578
Torbay	106,633	22,477	£41,679,042
Tyne and Wear	888,782	202,118	£374,785,753
Warrington	159,549	28,442	£52,738,964
Warwickshire	436,102	78,072	£144,768,241
West Berkshire	118,994	22,324	£41,395,331
West Midlands	2,105,708	398,787	£739,467,917
West Sussex	649,148	123,091	£228,246,196
West Yorkshire	1,735,178	398,961	£739,790,624
Wiltshire	373,252	64,309	£119,247,074
Windsor and Maidenhead	112,904	16,662	£30,896,523
Wokingham	120,682	15,403	£28,560,782
Worcestershire	454,464	80,766	£149,763,711
York	163,951	28,894	£53,578,891
<b>England</b>	<b>42,063,608</b>	<b>8,215,102</b>	<b>£15,233,219,320</b>

1. 18+ population estimates source: Mid year 2012 and 2013 population estimates for UK, ONS.

Note: City of London is not included in the Greater London county estimates as smoking prevalence data was not available for this local authority  
Cornwall UA comprises the former Cornwall and Isle of Scilly county.

2. The figures for the number of smokers in population were aggregated from the local authorities data presented in the "Data by LA" tab

3. UK Tobacco sales in 2012 were £18,718 million (source: Statistics on smoking, England - 2013, Chapter tables - HSCIC) and estimated England sales The UK (£18,082 million) and England (£14,723 million) tobacco sales estimated for 2013 were based on a 3.4 percent reduction of sales from 2012. This is equivalent to the annual percent reduction of sales between 2012 and 2013 as reported by the Australian Department of Health. (source: Commonwealth Treasury tobacco clearances data 2013. <http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-kff>).



150,027	25,000	£44,509,340	£1,511,124
882,292	155,697	£277,203,931	£8,515,738
112,702	22,226	£39,571,451	£1,675,275
1,167,474	244,595	£435,477,460	£13,615,104
202,325	60,209	£107,196,687	£4,451,822
936,101	192,612	£342,926,855	£13,098,063
254,324	52,176	£92,693,851	£3,417,201
526,919	99,034	£176,320,498	£5,704,953
583,728	121,715	£216,702,219	£7,287,725
154,310	32,745	£58,289,072	£1,891,179
209,266	53,671	£95,556,524	£2,800,785
1,107,517	242,172	£431,163,235	£17,209,385
107,219	26,129	£46,520,661	£1,880,169
191,511	34,634	£61,662,310	£1,869,755
703,639	134,290	£239,090,921	£8,453,184
125,404	32,390	£57,666,648	£2,369,435
133,409	32,712	£56,240,448	£2,183,948
163,910	24,234	£43,145,703	£1,422,521
484,432	91,210	£162,390,064	£6,675,892
547,423	114,893	£204,555,603	£6,797,461
255,418	45,077	£80,255,971	£3,227,837
246,983	60,281	£107,324,734	£3,885,034
633,576	123,341	£219,597,176	£7,137,975
525,858	77,737	£138,403,720	£4,477,484
142,556	30,016	£53,443,399	£1,758,147
207,877	49,801	£88,665,181	£3,340,989
119,566	23,313	£41,505,996	£1,582,374
164,660	37,045	£65,954,661	£2,613,464
124,171	24,801	£44,154,994	£1,359,651
107,472	23,470	£41,786,615	£1,735,516
28,838	3,890	£6,926,594	£138,063
248,550	49,232	£87,652,420	£3,317,992
104,010	22,210	£39,542,100	£1,458,214
429,382	75,215	£133,912,491	£4,553,796
212,159	37,088	£66,032,224	£1,749,312
1,072,962	254,046	£452,303,090	£16,584,526
194,254	43,740	£77,874,371	£2,447,543
137,929	30,393	£54,110,851	£1,956,520
686,776	116,415	£207,265,688	£7,144,500

**From:** [REDACTED]  
**Sent:** 05 August 2014 13:47  
**To:** Tobacco Packaging  
**Subject:** Response to consultation  
**Attachments:** Dept of Health consultation response 5.8.14.rtf; PMI Opinion (first draft).rtf; PMI Opinion (first draft).rtf

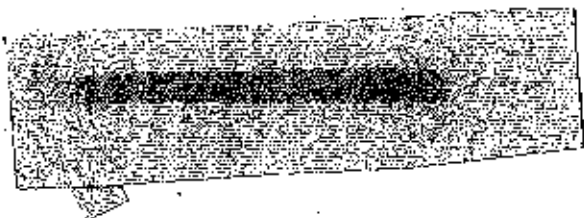
Herewith attached my response to consultation together with the opinion referred to within. The opinion was instructed by Phillip Morris International pursuant to consultation. If legal instruction is deemed to be a link to the tobacco industry I so declare it.

[REDACTED]

This email was received from the Internet and scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec.

DH users see Computer virus guidance on Delphi under Security in DH, for further details. In case of problems, please call the IT support helpdesk.

UK Plain Packaging - Consultation: Department of Health



1. I have read and considered the Department's consultation document and the Regulations and Impact Assessment Summary. I note the purpose of the consultation is to 'inform decision-making by the Department of Health and Devolved Administrations on whether to introduce standardised packaging.' The consultation proceeds following on the Chantler Review. The impact assessment is stated to have 'been further developed and a revised version is published alongside this consultation document.'

2. In 2013 I was instructed in my professional capacity to consider certain aspects of any introduction of standardised packaging of tobacco products. In particular I gave an opinion to Philip Morris International looking at the lawfulness of any such introduction by either the UK or Scottish Government. I concluded that a prohibition of trademark use consequent on such introduction would without compensation be violation of certain rights of tobacco companies such as Philip Morris International. The relative rights are those pursuant to Article 1 Protocol 1 of the European Convention on Human Rights and Article 17; Article 11 of the EU Charter of Fundamental Rights. I understand the opinion has since been placed in the public domain. I attach a copy of the opinion.

3. Technically the consequences of such a violation vary as between the UK and the Scottish Government given the varying extent of their respective legislative powers. Be that as it may the central point is that depriving tobacco companies of their trade mark rights is not different in principle from any other deprivation where compensation is required. No matter how much the benefits claimed for such deprivation may be (and I of course note the points made in the Chantler Review and the Impact assessment), that does not in my view alter the principle that deprivation of property in legally acquired trade marks necessitates compensation if that deprivation is not to be unlawful.

4. In none of the Consultation document, the Chantler Review or the impact assessment do I find any

critical discussion of this not unimportant issue. Plainly at its most acute one might expect the impact assessment to cover the issue. Any informed decision making by the department or the devolved administrations plainly requires an understanding of the financial consequences. Compensation would of course be borne by government. The impact assessment in setting out 'Key Cost/Benefit Estimates' identifies various figures but omits compensation. There is reference in 'Key Concerns' to an estimate by BNP Paribas of compensation due to trade mark owners 'at up to £11 Billion'. This is an independent assessment at a figure of considerable financial significance in light of the figures set out in the Key Cost/Benefit Estimates. The impression left is that neither the department nor the devolved administrations have formed any view of the compensation figure despite its obvious relevance for decision-makers. As the impact assessment observes :

'The analysis of the potential costs therefore appears to be incomplete.'

I agree. I suggest it is somewhat concerning that an issue that has already been part of the public debate about standardised packaging has not, it would appear, received analysis either as a matter of the legal position or of the financial consequences.

5. This response seeks to identify and highlight an important aspect relevant to any decision-making regarding introduction of standardised packaging of tobacco products. The basis and extent of compensation require significant attention in the interests of good governance. This should be an obligation for government to assess and not be left to whatever responses may or may not emerge from a consultation process.

Advocates' Library,

Parliament House,

Edinburgh,

5 August 2014

## OPINION

### 1. The Issue

I am asked to consider the lawfulness of proposals to introduce plain or standardised packaging for cigarettes at the instance of either the UK or the Scottish Government. The former has stated it is not to proceed at present with any such legislation pending further investigation of the introduction of such a policy in Australia. The latter on the other hand announced immediately following the UK Government's statement, that it intended to introduce such a policy in Scotland. I do not propose to consider questions of the extent of the devolved powers of the Scottish Government but to assess the generality of the proposal's lawfulness. I note neither administration has indicated it intends to assess at this stage the legal issues that arise from any such a policy nor the differential effect of those issues on the powers of the respective administrations. Nor have I detected any assessment of legal impediment to the policy stemming from the EU's requirement to ensure the free movement of products within the EU.

### 2. The Context

In all current discussions of the policy in the UK, one intended result is the prohibition of the branding currently used by tobacco companies on packaging. As the branding reflects significant intellectual property owned by the companies, such a policy will have one effect inter alia, of prohibiting the use of that intellectual property by its owners.

### 3. Extent of Examination

Such a prohibition immediately raises two issues in considering the lawfulness of such a policy (i) interference with the companies' rights in their intellectual property; and (ii) the effect on the companies' freedom of expression. These issues arise both in the context of the European Convention on Human Rights (Article 1 of Protocol 1; Article 10) and the EU Charter of Fundamental Rights (Article 17; Article 11). I will confine my examination to intellectual property rights and that primarily from the perspective of the ECHR at this juncture. It should not be lost sight of that Article 17 of the Charter does not introduce a competing interpretation of property rights (see infra 4(ix)).

#### 4. Property Rights

(i) Most obviously the proposed prohibition will preclude the use by the companies of their trademarks which form a prominent part of cigarette packaging. To put it another way in the UK or in Scotland those trademarks will lose their utility and hence their value as a result of any such prohibition. This is more consonant with a deprivation of property rather than control of property as what previously had utility and value loses these attributes as a consequence of the prohibition. Without these attributes the trademark loses its essence.

(ii) To consider this outcome from the perspective of Article 1 of Protocol 1, ECHR ('A1P1'), one notes firstly that companies have the same protections as individuals in respect of their 'possessions' given their qualifying status as 'legal person'. It is settled law that A1P1 protections apply to trademarks such as those owned by the companies.

(iii) The next step is to assess whether and to what extent the state by way of the proposals of either the UK or Scottish Governments, is interfering with the companies' possessions in the form of their trademarks. The clearest answer is that interference is present and that it is best characterised as an effective extinction or deprivation of the companies' possessions viz their trademarks. Argument to the effect that prohibition is merely controlling or restricting the use of the possession would ignore the reality of the trademarks losing their utility and value in either the UK or Scotland.

(iv) Thereafter it would fall to consider whether the respective government could claim justification in pursuing a legitimate aim with a fair balance or to put it another way whether the prohibition was proportionate in the means employed for the desired objective. The current stance of the UK Government in deciding that further assessment of plain packaging as a tool to improve health suggests there may be doubt as to the efficacy of the means proposed to be employed. (This may have consequences were new proposals brought forward by the UK Government in due course.) The Scottish position seems to be that the health issue justifies earlier action (although hitherto the Scottish Government had been content to march in step with a UK proposal).

(v) Both governments however face the consequences of their proposals being held to be deprivation of the companies' 'possessions'. The consequence of such deprivation would be that the proposal would be incompatible with A1P1 rights unless, importantly, compensation were paid. Compensation has not been discussed thus far in the proposals mooted.

(vi) Absent compensation, it is unlikely that the proposals could properly be given the necessary statement of compatibility on introduction to the respective parliaments. In the case of the Scottish Parliament incompatibility would be a barrier to the proposal being enacted and were it enacted nonetheless, would have the status of 'not law' (see section 29 Scotland Act 1998). Further the relative impact statements would require to identify the cost of the proposals. Given the considerable values attaching to brands which in the case of cigarettes are substantially the fruit of trademarks' capacity to differentiate competing products and win and retain marketshare, levels of compensation are likely to be significant.

(vii) Were it to be contended that no liability to compensation exists it would be difficult to see how such a position could be lawfully maintained. Extinction of a possession without compensation might conceivably arise were the product declared unlawful and/or criminalised eg declaring certain 'legal highs' to be illegal henceforth. But that is not advanced in any of the proposals.

(viii) The ECtHR has considered cases of deprivation of property where no compensation was awarded. It is the ECtHR's consistent position that where deprivation of property has occurred followed by no compensation then it is only in exceptional circumstances that a violation of A1P1 has not occurred. In fact, I am only aware of a single case where the ECtHR determined that compensation was not warranted in a case of deprivation. The Grand Chamber case of *Jahn v Germany* App No. 46720/99 (2005) considered the circumstances of a reassigning of land in the former German Democratic Republic (GDR) as being in the unique context of German reunification and the complexities of transition where a windfall might arise due to prior inconsistent application of rules by the GDR (ie the property at stake should not have been owned by the complainant in the first place). It may be observed, however, the circumstances in that case are a considerable distance away from a sterilisation of trademarks lawfully acquired in the context of lawful products. An argument based on negative health effects as justification would seem unsound given the extreme nature of such a proposition. It would presumably be applicable by parity of reasoning, to for instance alcohol, petrol powered motor cars and high fat foods, where negative health effects are observable. To put it another way such a justification if sound would permit deprivation of property rights without compensation across a broad spectrum of lawful economic activity. This would not cohere with the ECtHR's view that only 'exceptional circumstances' would justify no compensation. In my view, health grounds do not justify extinguishing trademarks without compensation.

(ix) I consider a similar analysis would apply in respect of Article 17 of the EU Charter of Fundamental Rights with broadly the same consequences. Pre-Charter the ECJ considered in *Case C-491/01 R v Secretary of State for Health ex parte British American Tobacco* (2002), whether a restriction on use of a particular trademark was unlawful under the general principles of Community law. The test applied by the Court was whether the provision was 'prejudicing the substance of the trade mark rights' (see [150]) and whether it was 'impairing the very substance of the right guaranteed'. This appears to chime with the approach of the ECtHR at least in so far as the formula of 'impairing the very substance of a right' closely approximates to 'interference with the company's right to peaceful enjoyment of its possessions'. One might observe that whereas in *British American Tobacco* the Court held the substance of the trademark was not prejudiced, the prohibition of trademark use goes directly to

impairing substance.

The Charter of course now sets out in Article 17, (expressly affording protection to intellectual property), that 'No one may be deprived of his or her possessions except in the public interest and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss.' I do not consider the Charter suggests a divergence in approach from that of the ECHR.

#### 5. Australia

As plain packaging policy in the UK draws substantially on the recent Australian legislation, the Tobacco Plain Packaging Act 2011 ('TPP'), it may be noted the Australian High Court rejected a challenge based on legislative competence. Unsurprisingly the Australian constitution approaches the specifics of property rights differently from the ECHR. Particularly, the Australian constitution imposes a test of whether property is acquired on just terms. It was this test on which the challenge foundered, it being decided no governmental acquisition of the intellectual property rights arose pursuant to the TPP. Interestingly however, 5 out of the 7 justices expressed views to the effect the TPP resulted in effective taking or deprivation of companies' property by prohibition of the use of their IPR. Thus were the reasoning of the Australian High Court applied the deprivation standard under A1P1 would be met and compensation would be payable.

#### 6. Conclusion

Accordingly I conclude that a prohibition of trademark use without compensation would be a violation of the companies' A1P1 rights. This would have the effect of preventing ministers from making a statement of ECHR compatibility to their respective parliaments and in the case of the Scottish Parliament it would render enactment ultra vires.





## Rural Shops Alliance

The logo for the Rural Shops Alliance features the text "Rural Shops Alliance" in a bold, sans-serif font. Below the text is a stylized graphic consisting of two overlapping, curved lines that form a shape reminiscent of a ribbon or a stylized infinity symbol.

### INTRODUCTION

1. The Rural Shops Alliance (RSA) is a trade association representing some 7,500 rural stores throughout England, most of which sell tobacco as part of their offer and which would therefore be affected by the proposed implementation of standardised tobacco packaging. The RSA has a number of major suppliers to the sector as trade members of the organisation, paying a subscription to the RSA, and included amongst this number are two tobacco companies, BAT and Imperial Tobacco. None of our commercial members has any influence over RSA policy, which is always driven by the needs of our retail members.

2. We would emphasise that the vast majority of our retail members are at the centre of the communities they serve, are often parents themselves who do not want to see their children smoke and are the sort of people who take their social responsibilities very seriously. They are at the frontline when it comes to preventing young people buying tobacco and, indeed, the RSA was active in suggesting that proxy purchasing of tobacco by adults for young people should be made illegal. Reflecting the views of our members, the RSA supports measures to reduce the prevalence of smoking in this country.

3. Given that stance, we have several concerns about the possible introduction of standardised packaging:

- the possible impact on the illicit market
- The possible impact on the very small minority of young people who smoke, which may actually be counter-productive
- The impact on retailers, making handling tobacco products and serving customers more difficult

### OBSERVATIONS ON THE CHANTLER REVIEW

4. There are two separate markets for tobacco in the UK, the legitimate channel and a separate distribution network for non-duty-paid products. Chantler acknowledges that there may be an impact from standardised packaging on the parallel market but then dismisses the issue because he is unable to quantify it and, secondly, indicates that the authorities should if necessary make more efforts to control it. With due respect, this is totally ducking what could be a vitally important issue. Even a small increase to the illegal market would clearly wipe out any benefits from standardised packaging. It would be a very interesting situation when the illegal product is more attractively packaged than the mainstream as well as being a lot cheaper.

5. The impact study suggests, not surprisingly, that normal packs give a message of higher quality than standardised packs. So the smuggled product from other countries will in some

cases appear to be of high quality than the legitimate UK equivalent. This does not seem a very sensible way to help the authorities to reduce the proportion of the market taken through illegal channels.

6. Chantler, and by implication the impact study, says that the authorities can be relied upon to take appropriate steps to mitigate this harm. This is an unconvincing denial that the problem has any great importance. It makes all sorts of assumptions, not least the ability of government to increase funding to HMRC and for local government to properly fund their enforcement officers. This is a massive unknown that neither Chantler nor the IA is able to address. It is, however, a vitally important issue that could easily lead standardised packaging to increase the illicit market and thus create additional health problems rather than solve them. There is also the not insignificant point that every percentage point increase in the size of the illicit cigarette market leads to a loss of £120 million revenue to the government. As a general principle, nothing should be done to make the smuggler's life easier. This measure does just that.

7. Chantler makes the implicit assumption throughout that when considering smoking tobacco, we are dealing with a problem that is general through the population of young people, that there is a need to prevent smoking being "cool". This may have been right 15 years ago but in 2014 this is an erroneous assumption. Tobacco usage by young people is the lowest it has ever been and the evidence suggests that mainstream peer groups actually look down upon their contemporaries who are smokers. It is certainly not "cool" in most circles to smoke, contrary to Chantler's out-of-date assumptions.

## **NEW INFORMATION**

### **Smoking, drink and drug use among young people in England In 2013**

8. This is a large-scale study by the Health and Social Care Information Centre and published by National Statistics. It is therefore an unimpeachable source of information based on a well-established methodology and a large sample of young people.

9. A very welcome finding is that there has been a long-term decline in the proportion of young people who have ever smoked or are regular smokers. This trend is shared by other potentially harmful behaviours measured in the survey, such as alcohol and drug use, which suggests that this trend may be linked to changing attitudes in society, rather than being specific to tobacco use, although government policies must have made some contribution in all three areas. These figures are very important and it seemed very strange indeed that Chantler did not give them prominence.

YEAR	EVER SMOKED %	REGULAR SMOKER %
2000	45	10
2001	44	10
2002	42	10
2003	42	9
2004	39	9
2005	40	9
2006	39	9
2007	33	6
2008	32	6
2009	29	6
2010	27	5
2011	25	5
2012	23	4
2013	22	3

10. Key findings are:

- Only 22% of pupils reported that they had tried smoking at least once, continuing the steady decline since 2003, when 42% of pupils had tried smoking.
- In 2013, just 3% of pupils said that they smoked at least one cigarette a week, the definition used by the survey for regular smoking. To repeat, the real problem is a tiny minority of young people, it is not now a general problem.
- About two thirds of pupils did not think that it was okay to try smoking to see what it's like and 88% did not think that it was okay to smoke once a week. Smoking is definitely not "cool".
- As in previous years, in 2013 there were strong overlaps in smoking, drinking and drug taking behaviour. Of the 6% of pupils who reported smoking during the last week, most had also drunk alcohol or taken drugs recently, or had done both. They are far more prone to truanting from school than average. They are a distinct group.

11. From the 2012 report, we would highlight that just 2% of these young people who do not live in a household with a smoker themselves smoke regularly. In other words, hardly any young people start smoking if they do not live in a smoking environment. The report shows from many different angles the clear fact that it is family, friends and peers that overwhelmingly influence young people to start smoking. The report's authors do not even consider exposure to tobacco packaging to be worth measuring as a possible influence.

12. The conclusion is very clear and unequivocal. Young people starting to smoke in 2014 are a very small and very distinct subset of pupils who behave differently from the norm. They are not mainstream and in some cases revel in their outsider status.

13. It is difficult to understand why Sir Cyril Chantler failed to understand this point and its importance. We know already that this group think and behave very differently from the average and their response to plain packaging may be very different as a result. Indeed, it may help to reinforce their rebel outsider self-image. The whole tenor of Chantler is that young people starting smoking is a general group problem. Emphatically this is not true.

14. It is very common in policies affecting behaviour that as the numbers get smaller, diminishing returns set in and it is very difficult indeed to affect the behaviour of the tiny rump minority. When it comes to regular smoking by young people, we have reached that stage. This makes it a somewhat different problem from the one expressed by Chantler.

#### **Australian National Drugs Strategy Household Surveys (NDSHS)**

15. The RSA has consistently called for measures to reduce tobacco use in the UK to be based on the best evidence available, particularly when it comes to the issue of standardised packaging. This is an issue where practical experience is obviously far better than theoretical studies or "expert" opinion. In practice, this means looking at Australia, where standardised packaging was introduced on December 1st 2012, the only country so far to do so. Although it is a bit early to draw definitive conclusions, and the Australian market is in some respects different from the UK, it still represents the only real-life evidence available.

16. The Australian Government Dept. of Health commissions and funds the Australian Institute of Health and Welfare (AIHW), to report on tobacco use in the country. It is therefore a highly respected piece of research from an impeccable source and the findings make for very interesting reading. AIHW has recently produced its latest findings on the number of people smoking tobacco in Australia and how it has changed through time.

17. The good news is that the proportion of people in Australia smoking on a daily basis continues to fall and the proportion who has never smoked continues to rise. These trends have continued on a virtually straight-line basis since 1998 and show that for the past 15 years Australia, like the UK, has seen a significant and steady decline in the use of tobacco.

18. To repeat, the data show an unbroken trend from 1998 through to the second half of 2013. The data show that the introduction of standardised packaging in December 2012 has had no discernable effect on the number of people smoking in Australia. The evidence suggests that the proportion of smokers was declining before standardised packaging was introduced and continued to decline at the same rate afterwards. The graphs are quite clear on this point – there is no change in the long term trend.

19. Looking specifically at young people (defined as 12-17 years)

YEAR	NEVER	SMOKE
	SMOKED %	DAILY %
2004	91.6	5.2
2007	95.0	3.2
2010	94.7	2.5
2013	94.7	3.4

(The survey is only conducted every three years)

20. If standardised packaging had had a discernible effect after its introduction in December 2012, then you would expect the proportion of young people never smoking to have increased between 2010 and 2013 and for the number smoking daily to have declined. Neither has occurred.

There is, however, a big problem. This finding is totally contrary to the impact assessment included with the current UK consultation document, which was based on expert opinion – basically educated guesses.

This is to our knowledge the best data available from Australia.

See: <http://www.aihw.gov.au/alcohol-and-other-drugs/ndshs/2013/tobacco/>

## COMMENTS ON THE IMPACT ASSESSMENT

### Impact of Pack Design

21. Paragraph after paragraph of the impact assessment is designed to convince that young people find existing packs to be more attractive than standardised packs. This would seem to fall into the category of the blindingly obvious – we all accept the point.

22. All the studies then make the tacit assumption that the more attractive packaging will somehow persuade gullible individuals to start smoking. This causal link is actually (and perhaps counter-intuitively for non-marketing people) very hard to sustain.

23. You could get a group of young people together and get them to talk sensibly about the pack design to any product – pet food, toilet cleaner, incontinence pads, whatever. However, they would have no desire whatsoever to spend money buying the product and nobody would make the assumption that because they preferred one pack design to another that somehow they would feel the need to buy it. The same logic applies to any product category. Paradoxically, about the same number of young people buys illegal drugs as smoke tobacco weekly. Illegal drugs usually come with no packaging or branding and yet they find a ready market. There is a basic demand for the product per se that has nothing to do with packaging quality. Chantler seemed unable to understand fully the role of pack

design, its strengths and its limitations, and as a result is misled about its role and importance.

24. Young people are bombarded every day of their lives with potent advertising messages through many forms of sophisticated media. A static pack design hardly rates as persuasive compared with the power of commercial messages in their everyday lives. Clearly to survive in our multimedia world, we all develop a high tolerance to the vast majority of messages vying for our attention. Anybody who has sat in on school PHSE lessons on the topic of advertising would understand this point; young people are very au fait with the way it works.

25. Tobacco pack designs are currently intended through regulation to be unattractive and to provide an anti-smoking message. They are intrinsically poor design, by intent. Tobacco companies may have done their best to ameliorate this situation but the regulations are sufficiently tight to prevent tobacco packaging actually being attractive. Compared with other products, there is no contest.

26. Let us play devil's advocate. If for the sake of argument the messages on a tobacco packet are deemed to be influential, then it seems bizarre that the branding half of the pack is seen to be corrosively effective whilst the government health warning is implicitly assumed to have little or no effect. You can't argue it both ways. If pack design is an effective communication medium to extoll tobacco, then the anti-smoking message should be just as effective, if not more so.

#### **Impact on retail transaction costs**

27. The impact study admits in paras 104 and 105 that the simulation by Carter et al in 2011 is "not directly applicable to a typical retailer". The conclusion the Impact study draws from this deeply flawed simulation is that there are means available to the retailer to overcome the drawbacks of standardised packaging, for example, by arranging packs in alphabetical order. There is no evidence put forward to support this speculation.

28. The Rural Shops Alliance study, (para 106) was always acknowledged to be an interim simulation, better than Carter, but still far less useful than real Australian data once it has become available.

29. A study of actual retrieval times in 300 Australian outlets by Wakefield and Scollo recorded transaction times as follows (standardised packaging came in at the beginning of December). See IA Para 108.

June 2012	10.91 secs
September 2012	12.43 secs
December 3 <sup>rd</sup> to 5 <sup>th</sup> 2012	16.03 secs
December 8 <sup>th</sup> to 12 <sup>th</sup> 2012	8.15 secs

30. It is hard to know what to make of this data; it seems all over the place. Charitably, it highlights how difficult this type of research is to carry out. It also seems bizarre to carry out

the post change evaluation so close to the implementation date, with staff not used to the new packs and any new handling systems either not yet bedded down or even not yet implemented. The December numbers may reflect the difference between weekday and weekend staff and transactions, something that a researcher with even a basic knowledge of retail practice would have understood as an experimental variable. It is impossible to say what these data mean. They are strange results indeed and quite simply should be ignored.

31. Carter carried out a further study in 100 outlets, recording transaction times before and then after the introduction of standardised packaging. The results were only provided in a very brief letter to the BMJ, with no detail of the methodology. Carter found transaction times decreasing from 8.94 seconds to 7.39 seconds. This is clearly based on a very small sample. We do not have details of the methodology used but getting students or similar inexperienced researchers to carry out this type of work requires very good training and monitoring to be effective. Apart from anything else, researcher bias (they knew what answer was desired) could easily come into play without stringent safeguards when relying on accurate clicking of stopwatches and without any possible backchecking or quality controls. We just do not know.

32. The impact study devotes half a page to Carter critiquing the RSA study, despite the fact that the RSA has always stated that its simulation would be no substitute for real Australian data. Interestingly, the impact study makes no attempt to critique the flawed 2013 Carter work. Instead, its findings are taken at face value and the results used to deduce a staff saving of time resulting from standardised packaging. This conclusion is not supported by the evidence. If nothing else, a proper discussion of the Carter methodology is required before using these findings.

33. No retailer we have talked to believes these figures. Carter provides no convincing causal explanation for this supposed gain in retail staff efficiency and without this, the numbers make no intuitive sense. We really would suggest that his conclusion can only be drawn by somebody who has never worked in a shop. (We would offer the chance for any statistician who supports the Carter figures the opportunity to work in one of our members' businesses for a day to experience the real situation). We believe that the direct opposite to Carter is true, that inevitably standardised packaging would have the effect of increasing the time taken to effect tobacco transactions. It will also make restocking shelves and other operations more time consuming. Yes, retailers and their staff will of course learn to adapt over time, but there will be a permanent long-term negative effect.

34. We would suggest that it is possible to cut some slack in the mandated standardised pack design to help retailers cope with them without compromising the attempt to deliver health objectives. In particular, the RSA is concerned that the regulations will make all packs look exactly the same and the small writing on them makes them very difficult to distinguish from each other in a real world situation. Conversely, the idea that somebody would not see the health warning on a pack or even that they would start smoking because the text on a pack of cigarettes is in 20 point type rather than 14 point is also rather weird. Increasing the size of the font allowed on the pack would be a real operational help to retailers. The idea that somebody would smoke more because the brand name was a bit bigger on the packet is positively Pythonesque. It is also worthwhile pointing out that a significant number of

small stores are operated by ethnic minority families, some of whose members will be reading product names in a foreign language and written in an alien script. We can see no reason why manufactures cannot put their brand on packs in any size of typeface and over more than one line if appropriate. The space available will be restricted by EU regulations; that is enough.

#### **Impact on retailer's sales**

35. The IA makes a totally unsubstantiated assumption in paragraph 86, that reduced profits from tobacco would be offset by increased profits on goods and services purchased in place of tobacco. There is absolutely no evidence to back up this claim. There is no indication of the causal relationship, how this is expected to come about. In fact, the nature of the typical transaction in a rural convenience store means that this assumed sales substitution will not be the case and falls in tobacco sales (as have been occurring over the long-term) do harm the profitability of the typical business.

#### **Annex B and the effect of plain packaging**

36. We believe that this methodology is very weak and presumably would not have been attempted if any better data had been available. We would reject the findings on the basis that two key requirements of the Hora and Von Winterfeldt protocol, namely impartiality and lack of economical personal stake in potential findings, were not met. The sample of experts was drawn from editorial lists and membership lists of individuals with a strong vested interest in the findings. This approach is not sufficiently rigorous to stand proper scrutiny and the results should not be used.

37. We would also suggest that the results of the work are likely to massively over-emphasise the importance of standardised packaging compared with the provisions of the EU regulations. Standardised packaging was deemed to be 10 times more effective than the regulations proposed by the EU. This seems so intrinsically implausible that one has to doubt the overall conclusions. It is also worthwhile pointing out that the absolute level of smoking reduction postulated by their estimates has actually already been achieved – we would suggest that they failed as a group to take into account significantly the existing long-term trends.

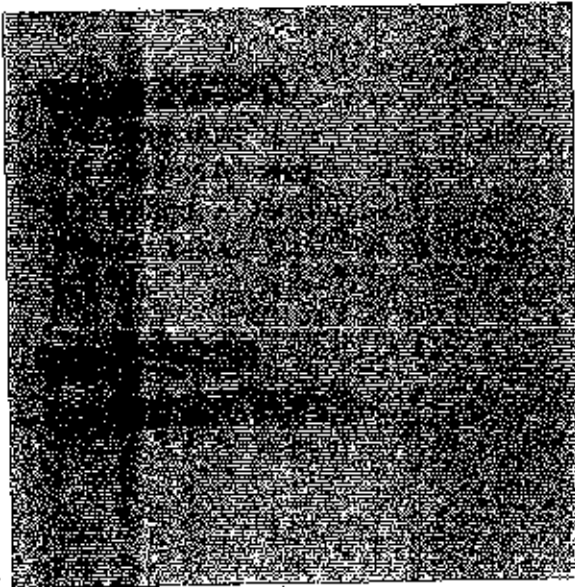
38. We believe that the results of this flawed survey should be ignored for the reasons stated.

#### **OVERALL CONCLUSIONS**

- The long-term decline in the number of young people smoking means that it is now a very specific group of them who continue to take up smoking. The typical young person has little interest in smoking tobacco and has a level of contempt for those that do. Standardised packaging would not seem to be likely to be effective at influencing this particular cohort of smokers and given their general anti-authority attitudes, might even be counter-productive. This reality is not reflected in Chantler or the AI.



- Government-funded Australian research shows that the long-term decline in the use of tobacco has continued in that country at the same level after the introduction of standardised packaging as was occurring before the introduction. There is no evidence that standardised packaging has altered the trend line. This may change over time but the evidence from Australia at present indicates there is no effect. This is the best evidence available at present and should supersede the flawed estimates included in the AI.
- Both Chantler and the AI ignore any possible effects of standardised packaging on the illicit trade. Whilst acknowledging the possibility, the lack of data led to its exclusion from their analyses. This is potentially a very important issue and one that should have been taken into account. This omission largely negates the argument in favour of standardised packaging. There is a very real possibility that increasing the illicit trade even by a modest amount would more than negate any possible benefit from standardised packaging in other directions. There is a potential downside that must be acknowledged rather than ignored.
- The conclusion in the AI that standardised packaging will actually benefit retailers is not tenable. There is no possible causality to explain this finding. In reality, there will be a decline in staff productivity in retail stores. This could be ameliorated to some extent by allowing product details to be shown in a reasonable sized typeface rather than the very small sizes being proposed. It does mean that it is incumbent on the DoH to be sure that standardised packaging will work before imposing yet another extra cost on retailers over and above other tobacco control measures, such as going dark, that they already have to deal with.



[Redacted]  
[Redacted]

---

**From:** [Redacted]  
**Sent:** 05 August 2014 13:54  
**To:** Tobacco Packaging  
**Subject:** Standardised packaging of Tobacco

Dear Sirs,

Standardised packaging has severe unintended consequences and there is no credible, or new, evidence that it will achieve the Department of Health's objectives.

In Australia, the only country to have implemented standardised packaging, the facts are clear - smoking has not decreased but the illicit trade has increased by 20% since its introduction, now accounting for 13.9% of total consumption.

Please reconsider,

Your faithfully

[Redacted]

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DH users see Computer virus guidance on Delphi under Security in DH, for further details. In case of problems, please call the IT support helpdesk.

**From:** [Redacted]  
**Sent:** [Redacted]  
**To:** [Redacted]  
**Subject:** Standardised packaging regulations

I am a non smoker but still believe that standard packaging will in no way reduce the numbers of smokers, but will definitely encourage the illicit trade in tobacco products, as has already happened in Australia. This will not only create less revenue for the government, but will definitely allow more harmful products to be purchased unknowingly by existing smokers.

Please use common sense and do not proceed down this avenue if you value the health of your children and grandchildren.



Sent from Samsung tablet

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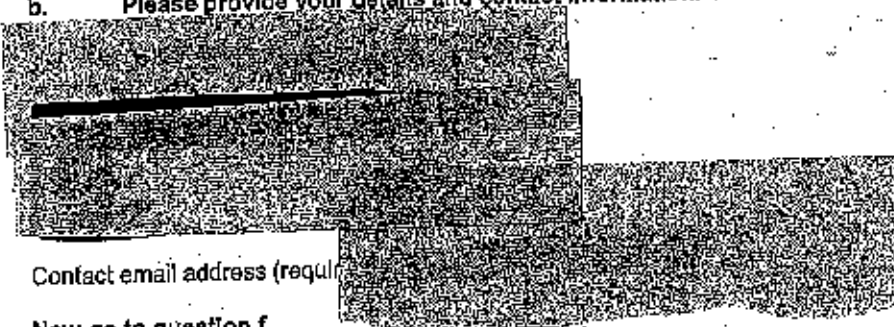
From: [Redacted]  
Sent: 05 August 2014 14:26  
To: Tobacco Packaging  
Subject: Consultation

Consultation on the introduction of regulations for standardised packaging of tobacco products -  
Response Form

a. Are you responding (required):

- As a member of the public (go to question b)
- As a health or social care professional (go to question b)
- On behalf of a business or as a sole trader (go to question c)
- On behalf of an organisation (go to question c)

b. Please provide your details and contact information:



Contact email address (required)

Now go to question f

c. Please provide your organisation's details and contact information:

- Name of organisation (required):
- Name of person providing submission (required):
- Job Title (required):
- Contact address of organisation (required):
- Contact email address (required):
- Is this the official response of your organisation? (required):
- Yes/No

d. If you are responding on behalf of a business, what type is it?

- Tobacco retailer (supermarket)
- Tobacco retailer (convenience store)
- Tobacco retailer (other type of shop or business)
- Specialist tobacconist
- Duty free shop
- Wholesale tobacco seller
- Tobacco manufacturer
- Retailer not selling tobacco products
- Pharmaceutical industry

Business involved in the design or manufacture of packaging  
Other (please provide details below)

If other, please tell us the type of business:

e. If you are responding on behalf of an organisation, what type is it?

- NHS organisation
- Health charity/NGO (working at national level)
- Local Authority
- Local Authority Trading Standards or Regulatory Services Department

Local tobacco control alliance  
Retail representative organisation  
Industry representative organisation  
Other type of business representative organisation  
University or research organisation  
Other (please provide details below)

If other, please tell us the type of organisation:

f. Does your response relate to (required):

United Kingdom **Yes**

England only No

Scotland only No

Wales only No

Northern Ireland only No

g. Do you, or the business or organisation you represent, have any direct or indirect links to, or receive funding from the tobacco industry? (required)

No

Yes (please describe below)

If yes, please describe:

Because I worked for the [REDACTED] whilst it was an wholly owned subsidiary of Imperial Tobacco, I receive a modest pension from Imperial.

h. If you do not wish your details to be identified in the summary report of consultation responses, please tick this box

#### Consultation questions

1. Do you have any observations about the report of the Chantler Review that you wish to bring to our attention?

No

2. Do you have any information, in particular any new or additional information since the 2012 consultation, relating to the wider aspects of standardised packaging that you wish to bring to our attention?

There are few precedents for this radical change that have clear and unequivocal results.

3. Do you have any comments on the draft regulations, including anything you want to draw to our attention on the practicalities of implementing the regulations as drafted? No

4. Are you aware of any further evidence or information which would improve the assumptions or estimates we have made in the consultation-stage impact assessment?

The Australian results are insufficient, at this stage, to fully support such radical regulation. However, the ban on smoking in public places has had a much greater benefit than anticipated. That favourable result suggests that further action to discourage smoking will be beneficial and should be implemented.

Thank you for participating in this consultation.

The Department of Health and Devolved Administrations will only contact you should we seek further information about your response.

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DH users see Computer virus guidance on Delphi under Security in DH, for further details. In case of problems, please call the IT support helpdesk.

**Sent:** 05 August 2014 14:32  
**To:** Tobacco Packaging  
**Subject:** Standardised Packaging of Tobacco Products

I wish my objections to standardised packaging on tobacco products, to be noted. Can any of you people show proof that smokers, who should deserve a choice, this is a democracy, as to whether they smoke or not. Are you saying that the cost to the health service from smokers illnesses, is greater than the alcohol drinkers, I think not. Probably most people in the government are boozers, so alcohol won't be banned any time soon.

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**CONSULTATION ON THE INTRODUCTION OF REGULATIONS FOR THE STANDARDISED PACKAGING  
OF TOBACCO PRODUCTS**

**TOR IMPORTS LIMITED CONSULTATION SUBMISSION**

**A. TOR IMPORTS LIMITED**

Tor Imports Limited is a small tobacco importer and distributor business based in Devon, employing seven staff. Our focus is on specialist tobacco product ranges such as hand made cigars, pipe tobacco and our own branded niche cigarettes. Our market place is the Specialist Tobacconist stores located across the United Kingdom.

The name and address of the respondent is:



Caton Cross, Ashburton, Devon TQ13 7LH

**B. RESPONSES TO CONSULTATION QUESTIONS**

***1. Do you have any observations about the report of the Chantler Review that you wish to bring to our attention?***

(i) Timetable

The Chantler Review was required to be completed in 3 months (reporting by March 2014). The amount of key information (from all sides) which was required to be gathered on this critically important subject resulted in a particularly compressed timetable. Against this, the Australian Government, which introduced Standardised Packaging on 1<sup>st</sup> December 2012, has announced that it will undertake a review of the effects of that measure in December 2014.

Clearly, if the Australian Government considers that a 2 year period since implementation is appropriate in order to arrive at a realistic level of compelling evidence, the Chantler Review's ability to do so in such a short period of time must be questioned.

(ii) Evidence from Australia

The Chantler Review disregards evidence from Australia which demonstrates that Standardised Packaging (SP) has failed so far to:

- reduce the volume of tobacco sales
- reduce smoking prevalence
- deter young people from smoking

The review also failed to report that Standardised Packaging has resulted in a material growth in the illicit market. See response to Question 2, section (vi) below.

(iii) Specialist Tobacco Products

On the basis that none of the evidence reviewed by Chantler includes specialist tobacco products such as cigars and pipe tobacco, we support the fact that they are not included in the draft regulations as there are no justification for them to be included.

(iv) Stirling Review

The Chantler Review largely accepts the evidence quoted in the Stirling Review which is widely accepted to be unconvincing, given the levels of *assumption* and *hypothesis* contained in the latter document, and which includes an admission to this effect by the authors themselves.

(v) Impact on Business

The Chantler Review takes no account of the impact on businesses operating in the tobacco supply chain and, due to the compressed timetable, from my understanding was only able to conduct limited hearings. ITPAC (the Imported Tobacco Products Advisory Council), the trade association which represents importers of specialist products and of which TOR are members, was excluded from such discussions.

(vi) Conclusions

The Report of the Chantler Review includes a number of statements which do not provide compelling and specific evidence that Standardised Packaging will meet the Government's policy objectives. The Report states:

*"Research cannot prove conclusively that a single intervention such as standardised packaging of tobacco products will reduce smoking prevalence"*

The report also makes it plain at the outset that:

*"There are limitations as to the likely effect of standardised packaging on tobacco consumption".*

For all these reasons, I find insufficient grounds to support the conclusions which Sir Cyril Chantler claims to have reached.

**2. Do you have any information, in particular any new or additional information since the 2012 consultation, relating to the wider aspects of standardised packaging, that you wish to bring to our attention?**

TOR stands opposed to the principle of Standardised Packaging for any category of tobacco product; there is no credible evidence to support the claim that its introduction would positively affect the tobacco-related attitudes, beliefs, intentions or behaviours of those whom the Government is seeking to protect.

(i) Non-UK Duty Paid and Illicit Trade

Partly as a consequence of successive UK Governments' high tobacco duty policies, which have helped to establish substantial price disparities between the UK and all other EU countries except Ireland, we see large quantities of tobacco products, mostly cigarettes and hand-rolling tobacco, but also including premium hand-made cigars, are purchased abroad and brought back into the UK, or are imported illegally.

The non-UK duty paid and illicit market is comprised of the following main components:



- Cross-border purchases, complying with the EU's indicative allowances, brought into the UK by individuals for their personal consumption (legal);
- Smuggled, well-known, brands brought into the UK mainly from the EU, Eastern Europe and elsewhere (illegal)
- Cheap, unknown or lesser known, brands brought into the UK mainly from Eastern Europe and the Far East (illegal);
- Counterfeit products replicating well-known brands (illegal).

Our trade organisation, ITPAC, estimates that legal cross-border purchases consist of c. 25% of this trade. The majority of the illegal trade consists of well-known brands smuggled in from the EU, Eastern Europe and elsewhere.

Since 2008 HMRC and the UK Border Agency have introduced sophisticated measures, and worked closely with the tobacco industry to reduce the consumption level of non-duty-paid and illicit tobacco. In spite of these, the incidence of this trade remains at a high level. HMRC's estimates for the 2012/13 year show the total non-UK duty paid share of consumption of cigarettes to be 16% and of hand-rolling tobacco to be 48%.

In this context, the unintended consequences of Standardised Packaging are likely to be:

- An increase in cross-border trade because the opportunity for adult smokers to buy a packet of cigarettes or hand-rolling tobacco, in their current familiar packaging as opposed to a standardised pack, is highly likely to add further competitive advantage over and above price to branded packs from overseas.
- Far more seriously, the illicit trade would have a further damaging effect on health because Standardised Packaging would increase the distribution of cheaper, inferior products in the UK. These products are unregulated, untested, often reported to contain rogue substances, and are sold indiscriminately to underage and vulnerable people. Additional drivers for this increase are that Standard Packaging will result in easier replication by counterfeiters of the one basic main Standard Packaging design than is the case with current tobacco packaging today. It will also lower counterfeiters' cost of production (due to the one basic design) thereby making their products even more competitive and accessible in the illicit marketplace.
- The possibility also exists that, if the UK introduces Standard Packaging independently, there will be an increase in counterfeiters' practice of faking foreign (non-Standard Packaging) products masquerading as overseas packs which, according to consumers' perceptions, are genuine smuggled products.

These latter 2 points provide clear indications of the likely adverse effect on public health, including that of under-age people, which would be brought about by Standardised Packaging:

#### (ii) Young people

We fully support the Government's efforts to address smoking by under-age people, but we do not consider that Standardised Packaging will positively affect their tobacco-related attitudes, beliefs, intentions and behaviours. I would like to draw to the Department's attention the following studies in its 2012 Standardised Packaging Consultation submission:-

In the Future of Tobacco Control Consultation 2008 the document states (Section 3.77) that 'Children may be encouraged to take up smoking if plain packages were introduced, as it could be

seen as rebellious'. As acknowledged by the Department of Health in this document, we are concerned that a likely unintended consequence of the Standardised Packaging of legal tobacco packs could be an increase in their curiosity-value and attraction to younger consumers, which could make them 'cool' and 'enticing'

Further evidence in relation to the danger to young people is outlined in The Illicit Tobacco: North of England Study 2011 which found that '23% of 16-24 year old smokers say that they still buy illicit tobacco', that '14 and 15 year olds are twice as likely to buy illicit tobacco (as) adults', and also that 'almost 9 out of 10 people agree that children and young people are at risk because they can buy easily and cheaply from unscrupulous dealers'.

Additionally, a survey by Tobacco Free Futures found that 50% of the tobacco bought by 14 to 15 year olds is illegal. See <http://www.tobaccofreefutures.org/category/strands/making-tobacco-less-affordable/>.

At best it is not proven that Standardised Packaging will have any impact on youth smoking. At worst, young people's access to illicit tobacco could be greater and so increase unregulated sales to them.

#### (iii) Price

The lack of branding as a result of Standardised Packaging on cigarettes would result in the only immediate competitive differentiation being via price. This would lead to the commoditisation of the category, which in turn would undermine premium brands and could also lead to lower quality. It might be argued that down-trading by adult consumers to the lower price end of the market can be offset by increases in tobacco duty but, as has been demonstrated over time, this practice will merely serve to significantly increase the proportion of illicit tobacco products consumed in the market with the consequences outlined in 2(i) above.

#### (iv) Lower Ignition Propensity

Lower Ignition Propensity cigarettes were mandated across the EU with effect from 17<sup>th</sup> November 2011, and required cigarettes to be produced with fire retardant paper which causes the cigarette to self-extinguish when left unattended. This was promoted as a vital measure to help prevent, inter alia, house fires.

It is widely known that the majority of illegal products entering the UK do not comply with European Safety Standards. If therefore Standardised Packaging results in an increase in the illegal trade it will represent an additional health hazard.

#### (v) Retail Transaction Times

Recent retail trade reports indicate that the display ban in large shops continues to cause both consumer and trade confusion particularly for slow-moving, specialist tobacco products, which are suffering from long service times. This effect will be felt more widely next year when the display ban is extended to small shops where staffing resources are limited. Standardised Packaging, if introduced, would exacerbate this problem and increase the incidence of incorrect identification of products for consumers.

As such, claims made in the Impact Assessment that retail transaction times will improve as a result of Standardised Packaging are completely misguided, and should form part of a robust impact assessment to justify the claims.

(vi) Evidence from Australia

Further to the points relating to evidence from Australia in the response about the Chantler Review (see B.1(II) on Page 1) I understands that the following key market developments have occurred following the introduction of Standardised Packaging in that country:

- Over 5 years in the lead-up to the introduction of Standardised Packaging, total tobacco industry volumes were declining at an average rate of -4.1 per cent. In the 12 months after Standardised Packaging was introduced on 1<sup>st</sup> December 2012, industry volumes actually increased +0.3 per cent or 59 million sticks (source: InfoView).

- A year after Standardised Packaging was introduced the decline in the number of people smoking actually halved. From 2008 to 2012 smoking incidence was declining at an average rate of -3.3 per cent a year. Since Standard Packaging was introduced the rate of decline slowed to -1.4 per cent (source: Roy Morgan).

- The number of cigarettes smoked on a daily basis declined at a rate of -1.9 per cent in the five years leading up to Standardised Packaging, while it slowed to -1.4 after the introduction (Source: Tobacco Industry survey).

- In the first full year of Standardised Packaging the amount of illegal tobacco in Australia grew by +20 per cent. Nearly 14 per cent of all tobacco (source: KPMG) consumed is now sold on the black market and mainly smuggled into Australia from Asia and the Middle East. These are branded packs sold for less than half the price of legal packs and the majority do not carry any health warnings. Illegal tobacco now costs the Australian Government over 1 billion dollars p.a. in foregone excise revenue.

- Since Standardised Packaging was introduced the number of 18-29 year old smokers purchasing low priced cigarettes has more than doubled to 34.6 per cent.

It is thereby clear from the above facts that the long term trend in the decline of tobacco volumes and smoking rates have slowed and not accelerated since Standardised Packaging was introduced into Australia. Additionally the incidence levels of illicit and counterfeit trade have increased. This runs directly counter to the Australian Government's intentions in taking this policy forward.

(vii) Proportionality

Under the current circumstances; with the level of regulation which already exists and is subsequently planned for the tobacco sector, and indeed when the evidence in support of such a move and the resulting public health benefits are questionable, the introduction of Standardised Packaging in the UK would, in TOR's view, be entirely disproportionate.

***3. Do you have any comments on the draft regulations, including anything you want to draw to our attention on the practicalities of implementing the regulations, as drafted?***

(i) Specialist Tobacco Products

Given its focus on the specialist sectors of the trade, we welcome the specific exclusion of Specialist Tobacco Products from the draft Regulations set out in Appendix B of the Consultation document for reasons of their low rate of use, particularly amongst young people.

However I also note that the Regulations could be extended to Specialist Tobacco Products in the future if, for example, the market changes and these products become more prevalent amongst young people.

Given that there will be those who will make submissions in response to the Consultation calling for Standardised Packaging to include *all* tobacco products, TOR considers that it should nevertheless highlight a number of reasons why Standardised Packaging would equally be unjustified, unnecessary and disproportionate for these types of products:

- **Evidence Base:** as has been previously stated; there is no real-world evidence base that Standardised Packaging will achieve the stated Public Health objectives for any tobacco product. Furthermore, in the case of specialist tobacco products such as cigars and pipe tobaccos which were not included in any of the studies evaluated to date, there is no evidence whatsoever supporting the efficacy of Standardised Packaging for these products.
- **The consumption levels of cigars and pipe tobaccos are insignificant and declining, and their share of the UK tobacco market is very small.** For the record, an ITPAC review of sales of tobacco products to the trade in the UK indicates that in 2012 cigars represented 0.8% and pipe tobaccos 0.3% of total tobacco volume.
- **Young people:** as is stated in the Consultation document, usage of cigars and pipe tobaccos amongst young people is extremely rare. They are not widely smoked by young people and certainly not used as an 'alternative' to cigarettes for reasons of cost and availability in the market. The 2012 Omnimas Survey findings report the following usage demographics:

Cigars: 90% of users are over 25 years old, and 78% are over 35 years old

Pipe tobaccos: 97% of users are over 25 years old, and 94% are over 35 years old

- **Diverse Product Range:** the ranges of cigars, pipe tobaccos and snuff available on the market are significantly wider and more diverse than for other tobacco products (and vary widely in size and shape), but account for approximately 1% of total consumption.

An ITPAC survey conducted in November 2012 found that the numbers of different Brands and Stock Keeping Units (SKUs) of tobacco products available across the different categories in the UK market overall were as follows (an SKU represents each separate unit of a product that can be purchased by a customer):

	UK Brands	UK SKUs	TOR Brands	TOR Skus
Cigars	100	893	42	247
Pipe tobacco	227	509	4	23
Snuff	66	162	0	0
Others	27	120	1	6
Cigarettes	59	297	2	6
Roll your Own	30	103	3	5
<b>Total</b>	<b>509</b>	<b>2,084</b>	<b>52</b>	<b>287</b>

- The specialist tobacco product categories of cigars, pipe tobaccos and snuff, which have a combined incidence level of c1.1% of all tobacco consumed, account for the vast majority of the products on the market (77% of the Brands and 75% of the SKUs).
- To further highlight how niche these products categories actually are; TOR accounts for over 10% of the brands available in the market and over 13% of the available sku's with an absolute negligible market share of the overall tobacco market.
- It is also important to note that within the TOR cigar range, the pack sizes range across box contents of 3, 4, 5, 8, 10, 12, 18, 20, 21, 22, 23, 24 and 50 cigars with RRP's as high as £41.20 for one cigar, added to this we have over 200 hand crafted shapes and sizes (i.e. 5 inches by 50 mm ring gauge) of cigars within this portfolio, with 43 alone presented and stored in cedar lined aluminum tubes.

The trade implications of Specialist Products relate principally to the difficulties that retailers will face in locating products which have been requested by customers in their shops, a factor that will create different problems across different categories of tobacco product.

The most recent survey of its members by the Association of Independent Tobacco Specialists (AITS) found that shops which concentrate on specialist products stock a minimum of 200 brands up to a maximum of over 1,000 different SKUs, with an average of 500 SKUs per outlet (and many of these outlets will qualify as Specialist Tobacconists who will be permitted to display the products).

Without the current easily differentiated packs to distinguish each product, and with a standard pack colour and typeface, the task of identifying an adult customer's choice from such an extensive selection in a retail shop would become highly complex and unworkable, would undermine customer relationships, and would also be financially damaging to retailers' businesses.

An assumption that if all tobacco products were to be subjected to the same Standardised Packaging regulations and that no single product would suffer competitively as a result, would ignore the realities of modern trading conditions. The UK is not a fortress protected from conditions in the outside world. It is part of a single European market within the EU and British citizens enjoy the freedom to buy products from anywhere in the world.

The small British-based companies like TOR that import tobacco products and the specialist retailers who sell them to the British public would find it extremely challenging to continue to trade in the face of this type of competition.

## (ii) Apparent Regulatory Anomaly

I would like to draw the Department's attention to an apparent anomaly in the Draft Regulations.

The anomaly relates to "Provisions which apply to all tobacco products or to both cigarettes and hand rolling tobacco" in Part 4 of the Draft Regulations in Appendix B of the Consultation document (pages 30 and 31).

In Part 4, Sections 11 and 12 clearly apply to cigarettes and hand rolling tobacco. However, Part 4 Section 10 (Product presentation) appears to apply to all tobacco products. In this Section paragraph 3(d) states that the labelling of these products may not contain any element or feature which "refers to taste, smell or any flavourings or other additives, or the absence of such thing".

This means that, whilst these products may contain flavourings or other additives they cannot refer to them on the packaging?

In the revised Tobacco Products Directive (2014/40/EU), Article 7 Section 12 exempts non-cigarette RYO products from the 'characterising flavours' requirements; however Article 13 (Product presentation) states that the labelling and any outside packaging of these products shall not contain any element or feature which "refers to taste, smell, any flavourings or other additives or the absence thereof"

Although the Draft Regulations for Standardised Packaging are consistent with the Tobacco Products Directive, we would reiterate that this will have a considerable impact on non-cigarette/RYO flavoured products such as cigars and pipe tobacco.

We are sure that this is clearly an over-sight in the drafting, therefore any relief which the Department might be able to secure from this apparent anomaly for this small, specialist sector of the trade which is already under considerable pressure, would of course be particularly welcome.

**4. Are you aware of any further evidence or information which would improve the assumptions or estimates we have made in the consultation-stage impact assessment?**

(i) Policy Options

Three options are assessed in the Impact Assessment (IA):

1. Maintain all existing tobacco control measures currently in place and expected measures, including the display ban and the introduction of the revised Tobacco Product Directive (TPD) requirements in 2016;
2. Go beyond the TPD and require Standardised Packaging;
3. Defer a decision pending collection of evidence from experience in Australia.

The assessment of Option 3 however states that it is recognised that there may be a case for delaying a decision on Standardised Packaging until evidence from Australia, and any other jurisdiction that introduces Standardised Packaging, becomes available.

The extent to which deferring a decision would be beneficial depends on the type of evidence which is likely to become available from international experience, against the public health costs of not taking action. While preliminary evidence on serving times is already emerging, other impacts will require a longer period of observation.

The assessment concludes with the following statement: "A survey from the Australian Institute of Health and Welfare is expected to report results of overall prevalence in October 2014 and estimates for youth prevalence are expected in August 2015, in the Australian School Students Alcohol and Drug survey. Even then, it will be difficult to distinguish the impact of plain packaging from other drivers of prevalence".

Option 2 is recommended "in view of the possibility of very substantial health gains that it offers, deferral of which would be permanently detrimental to successive cohorts of young people and would-be quitters" In spite of the fact that the evidence in the Chantler Report and the Stirling Review does not, in our view, present a sufficiently compelling case for the introduction of such a critically important measure as Standardised Packaging.

(ii) Quantification of Losses and Benefits

The IA's assessment period is limited to 10 years, and the following cost impacts are defined:-

- losses to HMT £2.3 bn, the majority relating to the lifespan of smokers who quit;
- transition costs to manufacturers, packaging companies, wholesalers and retailers £176m-£181m (including £166m from brand value);
- benefits to health from the reduced take-up of smoking £4.4bn;
- benefits from improved quit rates £21.5bn;
- benefits from retail transaction times (1.5 seconds per transaction) £0.069bn;
- manufacturing cost savings £0.3bn.

TOR is concerned with the assumptions made and the viability of these calculations. For example, as mentioned above, there is no realistic likelihood that Standardised Packaging will reduce retail transaction times.

Further, it is not at all clear how the valuation of £166m for the brand value of the tobacco industry, or the remaining £10m-£15m for 'transition costs' was reached, or how these numbers can be substantiated. Also, as acknowledged in Section 186 of the IA, the benefits largely stem from the health and pecuniary benefits to those who either do not take up or quit smoking.

There are two key issues with the calculation of these benefits. The first is that the estimate of the impact of standardised packaging is based on a distillation of expert opinion rather than any hard evidence.

TOR have produced our own branded niche cigarettes sold only in the Specialist Tobacco Retailers for several years at a high RRP. These draft regulations as they stand could:-

- a) de-value our trademarks at considerable loss to our business
- b) have a significant additional cost on our ability to manufacture Standardised Packaging in the Unique 20's packet that we have historically used in our design, and
- c) have a significant cost to the business of making the existing packaging redundant.

All of these 'transition costs' are significant to a small business like TOR, and could result in our inability to trade in this product sector, creating disproportionate and unfair competition.

The second issue is that the assessment uses median values for these expert estimates (1% for adults and 3% for children). The low end of the range suggested by at least one expert in each case was 0% and 0.4%. If these lower rates turn out to be correct most of the benefit from the policy disappears.

### (III) Illicit Trade

As outlined in the response to Question 2 Section (I) above TOR is concerned at the impact which Standardised Packaging will have on UK illicit trade. We therefore welcome the statements in the IA that "There is a risk of an adverse impact of SP on the non-UK duty paid segment of the market by encouraging cross-border shopping and/or a larger illicit tobacco market. If this risk occurred it would increase the losses to the Exchequer and decrease the health benefits", and also the statement that "Although compliance measures are in place to mitigate generic risks associated with illicit tobacco goods, HMRC assesses that Standardised Packaging is likely to enhance and diversify current risks that the UK faces from tobacco fraud, although there is no direct information or evidence to enable estimation of any increase to the size of the illicit market.

Further to this, an increase in cross border shopping cannot be mitigated where it involves travellers from the EU legally importing unlimited quantities of duty paid (but not UK duty) tobacco products for their own use. A potential increase in the size of the illicit market, apart from the adverse effect on duty receipts, may limit the potential influence of future tobacco duty policy. The potential impact on the UK duty unpaid market remains unknown and unquantified. If the illicit market increased significantly it could significantly increase the costs of a SP policy”.

#### (iv) Small and Micro Business (SMB) Assessment

The IA makes the following statements:

- Costs to retailers in the form of increased serving time are expected to be negligible with the impact being short lived (a matter of weeks). Thereafter, *retailers are expected to see a reduction in transaction times.*
- SMBs are expected to incur costs in the form of reduced profits from their tobacco sales; also, the expected estimated fall in smoking prevalence rates will lead to a reduction in overall tobacco consumption as well as the down trading from more profitable higher priced brands to less profitable lower priced brands. However, the IA states that, by way of compensation it is expected that consumers will reallocate their income expenditure to other goods and services in the economy, and that *since SMBs are a component of the economy, losses from reduced tobacco sales may be offset by consumption of their other products.*
- Responses to the first Consultation suggested that tobacco may account for up to 30% of the revenue of a convenience store although, anecdotally, the profit margins on the sale of tobacco may be relatively low. *Small retailers such as CTNs, in order to thrive in this changing world (eg internet sales, economic cycles, big supermarket competition and demographic changes) already need to be planning their future business strategies, considering diversifying, and thinking about how to cope with all the trends and shocks that are likely to affect them.*

We would challenge these assumptions on the basis that there is absolutely no realistic evidence to support the assertion in the first point (‘reduction in transaction times’), that the assumption made in the second point (‘... since SMBs are a component of the economy, losses from reduced tobacco sales may be offset by consumption of their other products’) is economically unviable, and that the third point (‘small retailers .... already need to be planning their future business strategies’) is unreasonable given the major challenges which Standardised Packaging (and example of which I have outlined on page 9 ) would place on an important economic sector which is already under threat and facing considerable regulation.

#### C. CONCLUSION

A significant level of tobacco regulation has been introduced over the past 10 years, in addition to relentless annual excise increases. Furthermore, a full display ban will be in effect from April 2015 and an extensive range of measures, including 65% health warnings (itself a significant step towards Standardised Packaging), will be implemented from May 2016 as a result of the revision of the EU Tobacco Products Directive. Further still, the Government is currently consulting on a ban on smoking in private vehicles carrying children, and is soon expected to introduce a long-overdue ban on proxy purchasing of tobacco products.

Additionally, in our opinion the documents and evidence, including that in the Chantler Report, and also the IA which has received only an “amber” rating from the RPC, in support of such a critically



important measure as the Introduction of Standardised Packaging, do not make a sufficiently compelling and watertight case for the introduction of a new policy.

Under these circumstances It is the view of Tor that the introduction of Standardised Packaging is a step too far, and the Government should give serious consideration to resisting the ideological temptation to take the policy of Standardised Packaging forward.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 05 August 2004 [REDACTED]  
**To:** Tobacco Packaging  
**Subject:** Standardisation of tobacco packaging

Sir, I object to the proposals to standardise tobacco packaging in the UK.

In Australia, the only country to have done this, the level of smoking has not decreased, but illicit trade has increased significantly, 20%, which robs us all of the revenue from legal tobacco sales.

[REDACTED]

ington Spa.

are available from:

[REDACTED]

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EL146

**From:** [REDACTED]  
**Sent:** 05 August 2014 15:34  
**To:** Tobacco Packaging  
**Subject:** Standardised packaging of tobacco products

I wish to let you know that I am against standard packaging of tobacco products which may have severe unintended consequences

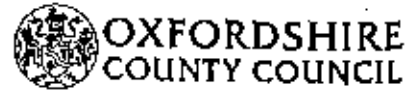
and, therefore, do not think credible.



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EL 147



County Hall  
New Road  
Oxford  
OX1 1ND

Director name [REDACTED]

Directorate Public Health  
5<sup>th</sup> August 2014

Department of Health Standardised  
Tobacco Packaging Consultation  
PO Box 1126  
CANTERBURY  
CT1 9NB

Dear Sir/Madam

**Government consultation on the introduction of regulations for standardised packaging of tobacco products**

I wish to support the recommendations in the Chantler Review and encourage the Government to adopt standardized packaging regulations as part of a comprehensive policy of tobacco control.

Various policies and associated initiatives, which try to reduce smoking prevalence, have been in place for several years. Rates are coming down, however efforts need to be maintained in order to keep rates dropping and to prevent a new generation of smokers starting.

An important consequence of standardised packaging is the contribution it can make to reducing the take up of smoking in the young. All tobacco products should be covered, otherwise the efforts to stop one product may be seen as permission giving of other products.

In Oxfordshire 30.2% of routine and manual workers smoke compared to the County average of 14.8%, so any reduction in smoking prevalence will have a positive impact in reducing inequalities.

On the matter of the proposed regulations there are some additional points that need to be considered.

- 1) The regulations currently do not set a maximum level of fines.
- 2) The "Supplier" should be defined either in the regulations or any associated guidance.



- 3) The defence of not knowing about the regulations should be removed. It will be up to individual enforcement authorities to decide if it is in the public interest to take a prosecution.
- 4) The proposed minimum pack size of 20 cigarettes or 30g of Hand Rolled Tobacco removes the option of people scaling down their useage. There could be a minimum size of packaging, so fewer cigarettes could be sold at a time.
- 5) Products should not resemble drink, in addition to food and cosmetics.

Appropriate guidance associated with the regulations needs to be made available at the same time as the legislation is published:

Yours Faithfully



9  
[gov.uk](http://gov.uk)