



Submission on the Draft Smoke-free (Standardisation of Tobacco Packaging and Tobacco Products) Regulations June 2016

Submission on behalf of:

Cancer Society of New Zealand.

Contact person:

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Date of submission

29th July 2016

Submission on the Smoke-free (Standardisation of Tobacco Packaging and Tobacco Products) Regulations

Purpose of submission:

The Cancer Society is committed to helping reduce the incidence and impact of cancer. We congratulate the New Zealand Government for its commitment to the Smokefree Aotearoa 2025 goal. The implementation of standardised packaging is an important measure towards preventing smoking initiation and increasing cessation. Decreases in smoking rates as a result of implementing this measure will ultimately lead to an associated decrease in smoking related cancers and deaths.

We have commented on the specific submission questions, however also see this as an opportunity for New Zealand to not only keep up with recent proposals from countries such as Canada that go beyond those implemented by Australia, but to also reinstate New Zealand as a world leading in developing some unique regulations that set standardisation regulation across the board for tobacco and tobacco products. We submit that the standardised packaging regulations could be improved in five key areas:

- prohibition of new variants, including names, and/or innovative tobacco products or filters
- changes to stick appearance
- improved on-pack warnings
- prominence of Quitline and cessation information
- prohibition of flavouring additives in tobacco, filters and/or tobacco products

Cancer Society Recommendations:

1. Prohibition of any new tobacco products or variants or new variant names being introduced onto the market
2. All cigarette sticks and rolling papers to be coloured Pantone 448C, with cigarette sticks, rolling papers, and cigars each having a single standard size
3. Ongoing development of pack warnings that are more relevant to priority populations and that are on a frequent rotation cycle
4. Quitline and cessation information placement improved to provide the greatest visual impact.
5. Disallow added flavourings in filters, papers or tobacco present to improve palatability to prevent flavouring becoming the next marketing tool for the tobacco industry



Submission form

Standardised Tobacco Products and Packaging Draft Regulations

Details

Name and designation: Shayne Nahu Health Promotion and Campaigns Manager

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Confidentiality

Please keep my comments confidential: Yes
(reasons including identity of specific comments if applicable)

This request can only be actioned if your reasons satisfy [Official Information Act](#) criteria.

Cancer Society New Zealand give permission for our details to be released under the Official Information Act 1982.

Declaration of any tobacco industry links or vested interests

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Cancer Society New Zealand do not have any direct or indirect links to the tobacco industry.

Additional information

I am, or I represent, an organisation that is based in:

New Zealand Australia Other *(please specify)*:

I am, or I represent, the following category or categories: *(tick all that apply)*

Overseas manufacturer New Zealand-based manufacturer
 Importer Exporter



- | | |
|--|---|
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Government |
| <input type="checkbox"/> Wholesaler or distributor | <input type="checkbox"/> Institution (eg, university, hospital) |
| <input type="checkbox"/> Member of the public | <input checked="" type="checkbox"/> Non-governmental organisation |
| <input type="checkbox"/> Other (please specify): | |

Please return this form to:

Email: standardisedtobacco@moh.govt.nz

Consultation questions

Although the submission form includes blank spaces for answering the questions, these do not set a limit for the length of your responses and you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

Size and quantities of tobacco products

- 1 Do you agree with the proposals to limit the number of cigarettes in a pack to either 20 or 25, and the amount of loose tobacco to 30 grams or 50 grams?

Yes

No

Please outline your reasons.

We support the proposal to *standardise* the number of cigarettes in a pack to either 20, or 25, and the amount of loose tobacco to 30 grams or 50 grams. Standardising the number of cigarettes and amount of loose tobacco in packs will prevent marketing tactics that offer extras and bonus packs.

- 2 Do you agree with the proposals to restrict the dimensions of cigarette sticks by setting minimum and maximum length and diameter?

Yes

No

Please outline your reasons.

We fully support the proposal to restrict the dimensions of cigarette sticks with both minimum and maximum length and diameter. We recommend amending the regulations to standardise the size of cigarette sticks to one single length. Australian experience has shown that any allowance in cigarette size can be used for marketing purposes and brand identification. This would standardise the look of cigarettes between brands and prevent cigarette size manipulation as a means to promote and market differences between brands. We also recommend a single standardised size for tobacco rolling papers for the same reasons^{1,2,4}.



- 3 Do you agree with the proposals setting minimum and maximum height, width and depth of cigarette packs, consistent with the limits on the number and size of the cigarette sticks they contain?

Yes

No

Please outline your reasons.

We agree with the proposals setting pack size limits. We recommend that the standardising of pack sizes be enhanced by requiring all cigarettes to be the same length and diameter to prevent brand variations for marketing purposes^{1,2,4}. Australian experience showed that any allowance in cigarette size can be used for marketing purposes and brand identification.

- 4 Do you agree with the proposal that loose tobacco should be sold only in rectangular pouches made of soft plastic?

Yes

No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

We do not support the proposal that loose tobacco should be sold only in soft plastic pouches.

We recommend rigid containers of a single standardised size for loose tobacco. This would enable maximisation of graphic images, warnings and Quitline information as well as prevent ease of use where packs no longer fold to go into pockets on clothing. This would also prevent folding of packs which obscures graphic images, warnings and Quitline information, as currently occurs with soft packaging^{12,18,19,20}.

- 5 Do you agree with the proposals to standardise cigar packaging, including the proposal to limit the number of cigars that may be sold in a pack?

Yes

No

Please outline your reasons. If you do not agree, what alternatives do you suggest?

We support the proposal to standardise cigar packaging with a standard number of cigars in a pack to keep standardisation consistent throughout all tobacco products.



6 Should the regulations include a general provision to set a minimum size for all tobacco packages, including cigar packages?

Yes

No

Please outline your reasons below.

We support the provision to set a minimum size for all tobacco packages, including cigars. We recommend taking this opportunity to ensure the maximum exposure and benefit is gained from graphic images, warnings and Quitline information^{12,18,19,20}.

7 Do you have any other suggestions for regulatory requirements to standardise the shape and size of tobacco products and tobacco product packages?

Yes

No

If yes, please provide detail below.

We outline additional suggestions and recommendations for standardising the shape and size of tobacco products and tobacco product packaging in our response to Question 12.

Permitted markings on tobacco packages

8 Do the regulations need to allow for any other anti-counterfeiting marks?

Yes

No

Please provide detail and reasons below.

We have no recommendations regarding anti-counterfeiting marks except that any marks do not provide any form of marketing advantage.

9 If additional anti-counterfeiting marks are to be allowed, how could these be regulated to ensure they do not communicate to consumers or have any effect that might undermine the intention of standardised packaging?

Please provide detail below.

We have no recommendations regarding anti-counterfeiting marks, but support regulation to ensure that any marks do not provide any form of marketing advantage.



10 Do the regulations need to permit any other marks or features on tobacco product packages to allow for automated manufacturing and packaging processes?

- Yes
 No

Please provide detail and reasons below.

We do not believe that any additions should be necessary to marks and/or features that are allowed for automated manufacturing and packaging processes.

11 Should the regulations allow for the country of manufacture to be printed on tobacco products or packages?

- Yes
 No

Please provide detail and reasons below.

We have no recommendations regarding printing of country of manufacture on packaging, except to state that should any country of manufacture appear on products and/or packaging, that it does not provide any form of marketing advantage.

Additional features to increase the effectiveness of standardised packaging

12 Are there any additional features within the scope of the regulation-making powers in the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill that might increase the effectiveness of standardising tobacco products and packaging? If so, what is the rationale and can you provide supporting evidence?

- Yes
 No

If yes, please provide detail below.

We have several suggestions that we believe would increase the effectiveness of standardising tobacco products and packaging:

1. We recommend that the regulations restrict brands, tobacco products, variants, and variant names to those already in use when the draft regulations were published (i.e. 31 May 2016), with a prohibition on any new introductions to the market.



Australian research shows an increase in the number of variant names featured on brands following implementation of plain packaging in Australia¹.

It is also evident in other internationally published research where developments have ranged from small changes to new product development after implementation of regulations².

2. We support the regulation Part 2 (20 b, c, d) that standardise the appearance of cigarette sticks.

We note the regulations propose:

- 2 different cigarette diameters
- No minimum stick length
- White papers/ white or cork filters

We strongly recommend these proposed regulations are amended to include:

- 1 single diameter for cigarette sticks
- 1 single length for all cigarettes/ 1 size for papers
- One unattractive colouring for cigarette stick papers and 'roll your own' papers, to be Pantone 448C to match packaging.

This recommendation is based upon the extensive research that has already been undertaken into undesirable colouring² and public perception of appeal^{3,4,5} in relation to standardised packaging.

White cigarettes create connotations of purity and cleanliness that help consumers to find them more acceptable, classy and not dirty, disgusting or harmful, whereas the darker coloured sticks remind consumers of sickness and unhealthiness⁴.

The Canadian Government's proposed regulations for Standardised Packaging propose the use of 'a single unattractive colour for cigarettes and other products rolled in cigarette paper'⁶.

Adoption of this measure in our regulations would maintain New Zealand at the forefront of the latest international practice, which is also supported by nationally based research.

3. We support the size of the proposed on-pack warnings set out in section 24 of the draft regulations.

¹ (Scollo M, 2014)

² (plainpacks.org.nz, 2013)

³ (Hoek J, 2015)

⁴ (Hoek J G. P., 2015)

⁵ (Borland R, 2012)

⁶ (Health Canada, 2016)



We recommend refreshing the warnings used so these feature more diverse themes and better reflect the smoker population.

We recommend themes shown in New Zealand research, likely to be effective with those key groups of smokers, such as (but not limited to):

- the social unattractiveness of smoking,
- tobacco industry denormalisation,
- effects of second hand smoke on children and companion animals.⁷

We recommend making regular review and refreshment of warnings.

We also recommend the addition of pack inserts to be able only to contain cessation information, as Canadian research has shown to be effective⁸.

4. We recommend that Quitline and cessation information be made more prominent on the packs to encourage more smokers to make quit attempts through easier to read and highly visible placement of the cessation information.

New Zealand research has shown that reformatting the Quitline and cessation information made it significantly easier to read, more visible and more likely to encourage smokers to consider quitting⁹.



As a result of the evidence above we strongly recommend that the two panel design from that research, as shown, is made mandatory for all tobacco packaging.

5. Canadian tobacco packages include inserts featuring messages designed to promote quitting benefits and enhance smokers' self-efficacy. Recent research evaluating the impact of these inserts found that reading of inserts increased over time (as reading of on-pack warnings decreased). Further, more frequent reading of the inserts was associated with greater response efficacy (i.e., stronger perceived

⁷ (Healey B, 2016)

⁸ (Thrasher JF, 2016)

⁹ (Hoek J G. P., 2014)



benefits of quitting) and greater risk perceptions). More frequent reading of the inserts was also associated with greater self-efficacy to quit, more quit attempts, and more sustained quit attempts¹⁰. We therefore recommend the standardised packaging regulations require all tobacco packages to include inserts modelled on the Canadian regulations⁶.

6. As a result of the implementation of Plain Packaging in Australia, the tobacco industry used an adaptation to the inner foil layer of cigarette packaging to produce a soft foil package that was able to be removed intact containing the cigarettes and thereby remove the dissuasive packaging effect by discarding it. New Zealand Standardised packaging regulations need to ensure that this, or any other adaptation of the foil inner, is not able to be implemented here in New Zealand to circumvent Standardised Packaging regulations. Therefore we recommend that the regulation around foil lining be strengthened from

25 (d) 'fixed to the inside of the pack and not easily detachable'

to not be at all detachable in any way, nor form a complete soft pack out of foil lining.

7. Part 1 r 15, we recommend that this is extended to include inner surfaces of tobacco packaging. To read all surfaces of a tobacco package must have only Matt Pantone 448C as the background colour. This recommendation is based upon the extensive research that has already been undertaken into undesirable colouring¹¹ and public perception of appeal^{12,13,14} in relation to standardised packaging.
8. New Zealand regulations should prohibit added flavourings in filters, papers or tobacco. Tobacco products are manipulated by tobacco companies by the addition of chemical compounds. A large number of tobacco additives are flavours¹⁵. There are a number of ways in which the flavourings can be added:
 - Directly to tobacco ingredient mix
 - In the filter as a capsule, to be broken open by the consumer.

Flavouring additives give products a specific taste that enables:

- competitiveness in the market
- loyal consumers
- a point of difference for marketing purposes.

Flavouring additives improve the palatability of the smoked tobacco⁹.

¹⁰ (Thrasher JF, 2016)

¹¹ (plainpacks.org.nz, 2013)

¹² (Hoek J, 2015)

¹³ (Hoek J G. P., 2015)

¹⁴ (Borland R, 2012)

¹⁵ (European Commission Scientific Committee on Emerging and Newly Identified Health Risks , 2010)



Tobacco additives were hardly used before 1970, but today they represent up to 10% of the cigarette weight.

By altering the taste and smell of cigarettes the products are made more attractive and the smoke more palatable which leads to an increase of smoking initiation¹².

Supporting information

The European Union have recently implemented a tobacco products Directive 2014/40/EU, this came into force in May 2016.

The European Union tobacco products Directive 2014/40/EU priority list has 30 priority chemicals, under consideration for prohibition or quantity reduction, 19 of which show a characterising flavour and contribute to attractiveness, and branding.

Some of the flavourings on that list are caramel, carob bean extract, coca, 2-furfural (strong caramel flavour), linalool (lemon flavour local anaesthetic) licorice, menthol, vanilla bean extract, fenugreek, fig extract, prune juice extract, rum, piperonal, added sugars, and vanillin, all of which are specifically to improve flavour and palatability.

New Zealand regulations should prohibit added flavourings to prevent flavouring becoming a marketing tool for the tobacco industry

[Other comment on content of draft regulations](#)

If you wish to make any other comments on the content or coverage of the draft regulations, please provide detail below.

Part 1, subpart 1, We recommend inclusion of: No flavouring additives may be included in the tobacco, paper or filter for manufactured cigarettes, cigars or roll your own tobacco products.

Part 1, subpart 2, 14, We recommend the inclusion of: must not contain any writing, symbols or other markings.

Part 1, subpart 2, 19(1), We recommend the wording is altered to A tobacco package MUST have a printed code for the purposes of tracking and tracing tobacco products.

Part 1, subpart 2, 21(1), We recommend the wording is altered to A cigarette MUST have a printed code for the purposes of tracking and tracing tobacco products.

Part 1, subpart 2, 25, We recommend the inclusion of: must not contain any writing, symbols or other markings.

Part 1, subpart 2, 27(2), We recommend the inclusion of: No new variant may be introduced after May 2016.

Part 1, subpart 3, 30(1 and 2), We recommend the inclusion of: must not contain any writing, symbols or other markings.



Part 1, subpart 3, 32, We recommend the wording is altered to A loose tobacco pack may have one or more non-removable adhesive labels affixed to it in order to display required warnings ONLY.

Part 1, subpart 4, 41(3) We recommend the inclusion of: has a minimum and maximum band size to prevent brand differences, identification and marketing.

Part 1, subpart 4, 41(4) We recommend the inclusion of: to be in Lucida Sans typeface no larger than 8 point font size (in line with cigarettes and Roll your own tobacco packaging).

Submitter information

The Cancer Society of New Zealand is a Federation of six Divisions and a National Office. We are committed to helping reduce the incidence and impact of cancer on the community. Cancer affects many of us and is a major cause of disease, disability and death in New Zealand, with 21,050 new registrations and 8,891 deaths in 2011 (Ministry of Health 2015). To lessen this impact, we need an organised approach to reduce the number of people who die from cancer and improve the quality of life of those who are diagnosed.

As part of our approach, the Cancer Society has a set of objectives, including:

- a) Providing supportive care and information to people affected by cancer, their families/whanau and carers.*
- b) Encouraging, organising, supporting and funding research within New Zealand into the prevention, treatment and cure of cancer.*
- c) Delivering health promotion programmes focusing on cancer prevention.*
- d) Leading advocacy across the cancer continuum.*
- e) Promoting education about cancer for health professionals and publicising progress made in research and treatment.*
- f) Working collaboratively with other organisations who share similar goals to the Cancer Society.*

Cancer Society staff also participate in Regional Cancer Networks, which were set up by the Ministry of Health in 2008. These networks have District Health Boards (DHB's), Primary Care, Non-Government Organisations (NGO's) and Consumer representatives.

References

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