



**PUBLIC CONSULTATION ON STANDARDISED
PACKAGING AND ENLARGED GRAPHIC HEALTH
WARNINGS FOR TOBACCO PRODUCTS**

Forest EU response to the public consultation

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Why it matters to tobacco consumers

Forest is a lobby group that informs smokers about the issues that affect them and engages with government and other stakeholders so the views of informed adults are considered within the decision-making process. Since 1979, Forest has been the leading voice of tolerant non-smokers and tobacco consumers who choose to smoke.

Because adults who are aware of the health risks should be able to choose to consume a legal product without excessive regulation, Forest EU campaigns against excessive regulations including comprehensive smoking bans and unnecessary government intrusion into people's personal lives and private spaces, such as tobacco display ban, standardised packaging of tobacco and other measures designed to restrict freedom of choice for adult consumers.

Our principal aims are to support adults who choose to smoke; engage with politicians and regulators; counteract the 'denormalisation' of tobacco; prevent further restrictions on the purchase and consumption of tobacco; highlight the increasingly intrusive role of politicians and regulators in the lives of private individuals; develop support among like-minded consumers and organisations in the European Union.

By responding to this consultation, Forest EU wants to share with the government of Singapore its analysis of plain packaging, of its unintended consequences and the lack of public health benefit this tobacco-control measure is likely to have achieved in the countries that have implemented it, especially Australia and France.

Forest EU is financially supported by Japan Tobacco International (JTI), a tobacco manufacturer. In 2017, Forest EU received €150,000 from JTI in financial support. Forest EU has an independent organizational structure and advocates for the consumer, not the tobacco industry.

Forest EU accepts there are serious health risks associated with smoking tobacco and does not promote or encourage it. A comprehensive view of our goals can be seen on our website at <http://forestonline.eu/about>

Summary

Forest EU is categorically opposed to the plain packaging of tobacco products:

- plain packaging would not work: there is no reliable public health evidence to support its introduction;
- it would negatively affect consumers who are aware of the health risks associated with smoking and chose to smoke a legal product;
- it would have serious unintended and harmful side effects and would erode the principles that underpin the success and prosperity of free societies.



1. Do you agree that the SP Proposal would contribute to reducing smoking prevalence and improving public health over and above existing tobacco control measures? Please cite and relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this.

The SP Proposal is unlikely to contribute to reducing smoking prevalence. In the countries that have implemented plain packaging of tobacco products, the measure doesn't seem to have improved public health.

Australia was the first country in the world to impose plain packaging of tobacco products in 2012, with the intention to accelerate the decline in smoking prevalence. Five years after its implementation, data published by the Australian government tends to show that the measure doesn't have contributed to the acceleration in smoking prevalence in the country: "While smoking rates have been on a long-term downward trend, for the first time in over two decades, the daily smoking rate did not significantly decline over the most recent 3-year period (2013 to 2016)"¹. The National Drug Strategy Household Survey (NDSHS) 2016 data only shows a slight (and not statistically significant) decrease of 0.6 percentage points of smoking prevalence between 2013 and 2016. A key stated objective of the Australian Plain Packaging Act of 2011 was to influence smoking prevalence, in particular of minors. But a statistical analysis of smoking prevalence among Australians aged 14 to 17 years conducted by researchers from the Universities of Zurich and Saarland failed "to find any evidence for an actual plain packaging effect on Australians aged 14 to 17 years" between December 2012 and December 2013².

France followed Australia and introduced plain packaging of tobacco products in 2017. In France, one year after the introduction of plain packaging in January 2017, the data published by the public authority OFDT shows that the number of cigarettes shipped to retailers remained largely unchanged, with a decrease of only 0.7 percentage point in 2017³. The failure of plain packaging to reduce smoking prevalence in France was acknowledged by French Health Minister Agnès Buzyn during a parliamentary debate on the Social Security Finance Bill. The Minister said that plain packaging "does not lead smokers to quit smoking". She added that she didn't know if the introduction of plain packaging in France "has been effective in preventing youth from entering smoking"⁴.

The Australian and French experiments with plain packaging tend to show that the introduction of this tobacco-control measure has not led to a decline in smoking rates. Since the SP Proposal is comparable to the measures introduced in Australia and France, there is no reason to believe that the SP Proposal will contribute to reducing smoking prevalence in Singapore.

¹ Available from: <https://www.aihw.gov.au/reports/illegal-use-of-drugs/ndshs-2016-key-findings/contents/highlights-from-the-2016-survey>, see "Highlights from the 2016 survey".

² Available from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414430, see "Abstract"

³ Available from: <https://www.ofdt.fr/statistiques-et-infographie/tableau-de-bord-tabac/>, see "Dernières éditions : octobre/novembre/décembre"

⁴ Available from: <http://www.assemblee-nationale.fr/15/cri/2017-2018/20180075.asp>, see "le paquet neutre n'a donc pas fait diminuer la vente officielle de tabac. Nous ne disposons pas d'une typologie de ceux qui continuent de fumer et ne savons donc pas si le paquet neutre a été efficace pour empêcher les jeunes d'entrer dans le tabagisme – j'attends à ce sujet les données des observatoires."



2. Do you agree that the SP Proposal has the potential to achieve one or more of the five objectives set out above? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this. (Please specify which of the above objective(s) you think the SP Proposal may achieve.)

To the best of our knowledge there is no credible evidence that suggests underage persons start smoking because they are attracted to packaging. Nor is there credible evidence that non-smoking children or adults buy cigarettes on impulse because of exposure to cigarette packs. The principal factors – well established and agreed upon by many tobacco-control campaigners – are rebelliousness, risk taking, socio-economic status, educational success but more significantly peer pressure⁵ and the influence of family members⁶. Considering the first two aims of the SP Proposal – (a) Reduce the attractiveness of tobacco products and (b) Eliminate the effects of tobacco packaging as a form of advertising and promotion – and noting that regulating the shape, size and look of tobacco products and packaging would not impact peer pressure and the influence of family members in a non-smoker’s decision to start to buy and possibly consume tobacco products, there is no reason to come to the conclusion that these measures are needed to achieved the two aims above.

Considering the third aim of the SP Proposal – (c) Reduce the ability of the packaging of tobacco products to mislead about the harmful effects of smoking (including on the relative harmful effects between products) – there is no good evidence that the size, shape colour or texture of existing branded tobacco products give consumers a false impression regarding the relative harm levels. The EU Special Eurobarometer 385 “Attitudes of Europeans Towards Tobacco” published May 2012 indicates that 95% of EU 27 consumers on average do not consider the shape of the pack to indicate of levels of harm and 95% do not consider the colour of the pack indicate levels of harm⁷.

Considering the fourth aim of the SP Proposal – (d) Increase the noticeability and effectiveness of health warnings – it is often suggested that plain packaging could be used as a possible way of increasing the visibility and effectiveness of health warnings and messages. To the best of our knowledge, there is however no evidence that it does in practice. The introduction of increasingly large and preposterous health warnings, followed by the introduction of graphic and sometimes disturbing images, has had little effect on smoking behavior where they were implemented. Given that current health warnings and graphic images are clearly visible at the top half of the front of cigarette packs in Singapore, there is no reason to believe that the removal of the remaining area dedicated to the brand will increase visibility and effectiveness of health warnings.

Forest EU supports the continued provision of information to consumers about the health risks of smoking. Considering the fifth and last of the aims of the SP Proposal – (e) Better inform smokers and non-smokers of the risks associated with tobacco use – one should note that noticing

⁵ Available from: <http://onlinelibrary.wiley.com/doi/10.1111/j.1559-1816.1978.tb00771.x/full>, see “Abstract”

⁶ Available from: <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/204427>, see “Abstract”

⁷ Available from:

https://ec.europa.eu/health/sites/health/files/tobacco/docs/eurobaro_attitudes_towards_tobacco_2012_en.pdf, see page T33.



something, particularly something one knows already such as a health warning on a tobacco product, does not necessarily translate into a change in actual smoking behaviour. To the best of our knowledge, there is no convincing demonstration that plain packaging would enhance the visibility, prominence or salience of health warnings, and there is no demonstration that this mechanism would lead to changes in smoking behavior. At best, plain packaging may increase the visibility of health warnings for a very short period of time thanks to the temporary 'shock' value. This visibility may soon wane and there may be no change in smoking behaviour.

3. Do you have any suggestion(s) to improve the SP Proposal measure under consideration as set out in Part 3.3.3 of this document? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).

We would suggest maintaining the status quo for tobacco packaging for the reasons set out in the two preceding sections. There is no reliable research evidence that plain packaging of tobacco would have any additional health benefits over and above existing tobacco control initiatives. There are also potentially detrimental outcomes that we will cover in section 7 and 8.

4. If you do not support the proposal to introduce the SP Proposal, do you have any suggestions to regulate the shape, size and look of tobacco products and packaging to achieve the objectives set out above? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).

There is no reason to believe that regulating the shape, size and look of tobacco products and packaging would directly or indirectly significantly impact the main causes of a non-smoker's decision to start to buy and possibly consume tobacco products (these causes being, mainly, peer pressure and familial influence). Differently said, increasing the prominence of health warnings on tobacco packaging through packing regulation is not, in itself, a legitimate public policy objective capable of justifying a plain packaging measure as this mechanism does not relate to behavioural change. Because of this, there is no reason to conclude that these measures further regulating tobacco packaging are needed to achieve the aims of the SP Proposal.

5. If you do not agree that the SP Proposal should be introduced, what other options do you think should be adopted to reduce smoking prevalence, and the harm it causes? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).

Instead of targeting adult consumers who choose to smoke, the government could focus on strategies that are proven to reduce underage smoking rates. More specifically:

- Targeted education programmes could be needed in schools to make sure children are aware of the risks of smoking from a young age;



- Tobacco taxes could be cut to reduce demand for black market cigarettes;
- Stiffer penalties could be introduced for those who sell cigarettes to children;

Apart from the serious issue of underage smoking rates, the government could:

- Respect the right of adult smokers to make informed choices about smoking a legal product;
- Conduct an evidence-based review of the impact of the existing tobacco-control regulations in Singapore;
- Repeal the ban on electronic cigarettes, vapourizers and other alternative nicotine delivery devices. Smokers should have the option of using allegedly safer alternatives.

6. If adopted, do you agree that the SP Proposal should be applied to non-cigarette tobacco products such as cigarillos, cigars, ang hoon, and roll-your-own tobacco? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this.

Plain packaging should not be introduced for any legal tobacco products of any type, including non-cigarette tobacco products such as cigarillos, cigars, ang hoon, and roll-your-own tobacco.

7. If adopted, do you think that the SP Proposal might have any incidental impact in the Singapore context other than matters addressed in answer to the above questions? If so, please elaborate on the possible incidental impact and any evidence in support of the same.

Instead of empowering individuals and giving people more freedom and control over their own lives, the introduction of plain packaging would stigmatize and bully adults who choose to purchase tobacco products and smoke.

Plain packaging would also reduce a certain kind of innovation since the matter, shape, size and look of tobacco products would be the same across brands. Plain packaging would therefore reduce consumer choice, by making it almost impossible to differentiate products and brands. In Australia for example, low priced cigarettes have doubled their market share between 2011 and 2016 (from 29% to 60%) at the expense of medium and high priced cigarettes (from 19% to 10%) as people are switching to cheaper cigarettes⁸. The impact on consumer choice could be significant because some brands will almost certainly disappear from the market.

Branding helps consumers make informed choices: without brands consumers have less information to differentiate between products. A recent study pointed out that 81% of Canadian consumers believe branding matters because of the distinguishing information it provides, 74%

⁸ Available from: <https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illicit-tobacco-Report-2016.pdf>, see page 11



said they believed tobacco companies should be allowed to brand, and 64% said plain packaging was a waste of government resources⁹.

Plain packaging would boost illicit trade and will thereby reduce government revenue. By creating a de facto charter to counterfeiters, it will potentially lead to more organised crime and criminal activity. Organised crime groups and the illicit trade in tobacco would be boosted by plain packaging as it would give them the market for branded products to themselves and would make it more difficult for consumers to identify illicit products. The measure would create an uncontrolled, unregulated, unaccountable market that circumvents regulatory controls, including where and to whom tobacco is sold including, importantly, underage people: criminals don't respect age restrictions. For example, in Australia, the market share of illegal tobacco is now 20% higher than before 2012¹⁰. The significant boost to illicit trade that would result from the introduction of plain packaging could also be expected to impact adult smokers with lower incomes to a greater extent as they typically have greater access to illicit tobacco products.

8. Please include any other comments or concerns regarding the SP Proposal that you would like the Government to take into account.

Tobacco being a legal product, the law should not impose excessive regulations on consumers who know the health risks. Plain packaging represents a de-normalization of tobacco products. By stigmatising the product, governments are also ostracizing the user from normal society.

Plain packing in Singapore is unlikely to deter people from smoking as there is no clear evidence that plain packaging led to lower smoking rates in Australia and France. The impact on consumer choice could be significant because some brands will almost certainly disappear from the market. It's also an example of the 'slippery slope' approach to policy making: if the SP Proposal was to pass, it could serve as a blueprint for comparable policy measures on alcohol, sugary drinks, convenience food and any other product or habit considered as undesirable by the policymaker from a public health perspective. This would lead to a general shrinkage of the palette of lifestyle choices adults in Singapore could enjoy.

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⁹ Available from: <http://www.propertyrightsalliance.org/news/new-study-shows-majority-of-canadians-believe-plain-packaging-is-unnecessary-and-a-waste-of-government-resources/>

¹⁰ Available from: <https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illicit-tobacco-Report-2016.pdf>