



**CONSULTATION ON THE PROPOSED  
STANDARDIZED PACKAGING FOR CIGARETTES  
AND ROLL-YOUR-OWN TOBACCO IN THE  
NETHERLANDS**

**Forest EU response to the public consultation**

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## Why it matters to tobacco consumers

Forest is a lobby group informing smokers about the issues that affect them and engaging with 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.

By responding to this consultation, Forest EU wants to share with the Dutch government its analysis of plain packaging, 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 supported by the Confederation of European Community Cigarette Manufacturers (CECCM), whose members are Japan Tobacco International (JTI), British American Tobacco (BAT) and Imperial Brands PLC (IMB) and by the members of the European Smoking Tobacco Association (ESTA). Our annual budget in 2019 is €165,000. 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 standardized packaging of tobacco products:

1. Standardized packaging would not work: there is no solid public health evidence to support its introduction;
2. Standardized packaging would adversely affect consumers who are aware of the health risks associated with smoking and chose to purchase and smoke a legal product;
3. Instead of introducing standardized packaging, the Dutch government should focus on strategies that are proven to reduce underage smoking rates.



## What is your reaction to the intention of introducing standardized packaging for cigarettes and roll-your-own tobacco to realize a smoke-free generation?

### **1. Standardized packaging would not work: there is no solid public health evidence to support its introduction**

The proposed measures related to the standardized appearance for tobacco packaging put forward by the Dutch authorities are unlikely to contribute to reducing smoking prevalence among adults and young persons alike. In the countries that have implemented standardized packaging of tobacco products, the measure doesn't seem to have improved public health.

**Australia** was the first country in the world to impose standardized packaging of tobacco products in December 2012, with the intention to accelerate the decline in smoking prevalence.

Tobacco-control lobbies often argue that standardized packaging may have reduced the *appeal* of tobacco packaging in Australia. But this does not imply that by itself, or even in combination with other restrictive policies, standardized packaging has changed smoking *behavior* and prompted a *decrease* in smoking rates in the country, which should be the main objective of such a regulation.

On the contrary, five years after its implementation, data published by the Australian government tends to show that the measure hasn't contributed to the decline 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)”<sup>1</sup>.

Because this measure cannot show any health benefits, standardized packaging is therefore unjustified.

A key stated objective of the Australian Plain Packaging Act of 2011 was to influence smoking prevalence among minors. It is therefore concerning to note that in South Australia<sup>2</sup>, smoking prevalence among smokers aged 15 years and more actually increased, reaching 16.5% in 2017.<sup>3</sup>

**France** followed Australia and introduced plain packaging of tobacco products in 2017.

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

<sup>2</sup> Available from: [https://www.sahmri.org/m/downloads/Key\\_Smoking\\_Statistics\\_for\\_SA\\_2017\\_-\\_April\\_2018.pdf](https://www.sahmri.org/m/downloads/Key_Smoking_Statistics_for_SA_2017_-_April_2018.pdf)

<sup>3</sup> Available from: <https://www.9news.com.au/national/smoking-rates-rise-south-australia/cb99f1a3-b7c6-4bb1-968c-db84091d13b6>



As indicated by the French authorities, the quantity of cigarettes sent to retailers remained generally unaltered (- 0.7%) in 2017, while the amount of roll-your-own tobacco diminished by 5.1% because of important tax increases in February and November 2017.<sup>4</sup>

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”<sup>5</sup>.

Because this measure cannot show any health benefits when applied in Australia and France, standardized packaging is therefore unjustified in these countries.

Since the Dutch standardized packaging proposal is comparable to the standardized packaging measures introduced in Australia and France, **there is no reason to believe that the Dutch standardized packaging proposal will contribute to reducing smoking prevalence in the Netherlands.**

## **2. Standardized packaging would adversely affect consumers who are aware of the health risks associated with smoking and chose to purchase and smoke a legal product**

Instead of empowering individuals and giving people more freedom and control over their own lives, the introduction of standardized packaging would **stigmatize 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 cigarettes<sup>6</sup>. The impact on consumer choice could be significant because some brands will almost certainly disappear from the market. It is also economically questionable because a properly functioning consumer goods market relies on having clearly differentiated brands with different price positioning.

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. The measure would create an uncontrolled, unregulated, unaccountable market that circumvents regulatory controls, including where and to whom tobacco is sold including,

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<sup>4</sup> Available from: [https://www.ofdt.fr/ofdt/fr/tt\\_17bil.pdf](https://www.ofdt.fr/ofdt/fr/tt_17bil.pdf)

<sup>5</sup> 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.”

<sup>6</sup> Available from: <https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illicit-tobacco-Report-2016.pdf>, see page 11



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 2012<sup>7</sup>.

**Tobacco being a legal product, the law should not impose excessive regulations on consumers who know the health risks and don't want to quit.** Plain packaging represents a de-normalization of tobacco products. By stigmatizing the product, governments are also ostracizing the user from normal society.

**3. Instead of introducing standardized packaging, the Dutch government should focus on strategies that are proven to reduce underage smoking rates.**

The European public overwhelmingly considers that the standardized packaging of tobacco products isn't a solution to reduce smoking prevalence among the youth. According to a 2018 survey executed by Populus<sup>8</sup>, just 3% of EU citizens think the introduction of plain packaging for tobacco products is the most effective solution to reduce youth smoking rates, way below mandatory education in schools about the health risks of smoking (52%), harsher penalties for shopkeepers caught selling tobacco to children (23%) and a ban on adults buying cigarettes for children (9%).

More specifically, the government's focus should shift to:

- 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 the Netherlands.

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<sup>7</sup> Available from: <https://home.kpmg.com/content/dam/kpmg/uk/pdf/2017/04/Australia-illicit-tobacco-Report-2016.pdf>

<sup>8</sup> Available from: <http://forestonline.eu/wp-content/uploads/2018/11/Forest-EU-Populus-%E2%80%93-Attitudes-towards-tobacco-policies-in-the-EU.pdf>