Tobacco giant takes State to court over plain cigarette packaging

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The Japan Tobacco group has initiated action against the Government in the High Court to block the introduction of plain cigarette packets.

The move by the group, which has served legal papers with the Chief State Solicitor's Office, comes three weeks after President Michael D Higgins signed a law to ban all branded packaging in 2017. Japan Tobacco, owner of the Benson & Hedges and Silk Cut brands, had threatened action against the State to prevent enactment of the legislation by the Oireachtas with a deadline in February. No action followed, however, when the Government pressed ahead with the legislation in the Dáil and Seanad.

The controversy prompted by that threat raised questions in Government and the charity sector about Japan Tobacco's legal adviser, solicitors Arthur Cox. The firm is one of the largest in the State and its many public clients include the Health Service Executive and Tusla, the Child and Family Agency.

Competence

The Irish arm of Japan Tobacco, JTI Ireland, is understood to be challenging the legislation on grounds of competence. However, its action follows a sustained lobbying campaign against the law by the global tobacco industry.

The group is expected to argue that the State had no right to enact the legislation, as it went further than the provisions of a European Union directive. It is further expected to say the State should have awaited the outcome of a British case before the European Court of Justice before enactment.

Minister for Children James Reilly, who championed the legislation, indicated months ago that the Government was preparing for a legal challenge. Asked last night about the action, Dr Reilly said: "We will defend it robustly in the firm belief it's in the best interests of the health and welfare of the public, especially of children."

Japan Tobacco's spokesman declined to comment. The State has one week to enter an appearance in the case.