



Cancer Council Victoria

Submission

Consultation on the proposal for standardised tobacco packaging and the implementation of Article 5.3 of the Framework Convention on Tobacco Control

June 2015

Declaration: We do not have any direct or indirect links to, or receive funding from, the tobacco industry.

Contact: Kylie Lindorff, Manager, Tobacco Control Policy, Cancer Council Victoria.

Email: kylie.lindorff@cancervic.org.au

Contents

Summary	4
1. Introduction	7
1.1 About Cancer Council Victoria	7
1.2 Plain packaging as part of a comprehensive tobacco control regime in Australia	7
2. Research post implementation of plain packaging in Australia	8
2.1 Industry responses to plain packaging.....	8
2.2 Industry arguments about unintended consequences	8
(a) Product retrieval time and retailer impact.....	8
(b) Retail price and point of sale	8
(c) Illicit tobacco	9
2.3 Objectives of plain packaging legislation	9
2.4 Types of tobacco products.....	10
2.5 Flow-on effects of plain packaging.....	11
2.6 Public support for plain packaging	11
2.7 Plain packaging mark II	11
3. Recommendations	13
3.1 Objectives of the regulations (s 1)	13
3.2 Colour and finish for tobacco packaging (s 17) and lining (s 20)	14
3.3 Surfaces (s 18)	16
3.4 Barcodes (s 22), Calibration marks (s 23) and other features	16
3.5 Product presentation (sections 24 and 36)	18
3.6 Regulations regarding material, size, shape and opening mechanisms for tobacco products (Chapter V, sections 26-28).	18
(a) Height, width and depth of tobacco packaging.....	19
(b) Bevelled and rounded edges and alternative lids/openings	21
(c) Soft packs	22
3.7 Marking of tobacco packets with brand and variant names, and manufacturer information (Chapter VI – sections 29-31)	22
(a) Numbers in brand and variant names	22
(b) Descriptors within brand and variant names	22
(c) Position and length of brand and variant details.....	25
3.8 Labelling with information about the manufacturer (s 32)	28
3.9 Minimum size and marking of content and weight (s 33).....	28
3.10 Marking of the number of units on packages (sections 34 and 35).....	29
3.11 Regulations regarding cigarette design (s 37)	30

3.12 Regulations on the design of cigars (s 38).....	32
3.13 Regulations regarding the design of snus portions (s 40).....	32
3.14 Obscuring legislative requirements.....	32
3.15 Windows	33
3.16 Origin Marks	33
3.17 Noise and scent.....	33
APPENDIX - Plain Packaging studies post implementation in Australia	34
References.....	67

Summary

We make the following recommendations on the draft regulations.

Recommendation 1 – Objectives of the Regulations (s 1)

Section 1 should:

- (a) clearly state objectives applicable to tobacco control generally
- (b) clearly state the specific ways in which it is anticipated that standardised packaging will contribute to the objectives
- (c) include a reference to the World Health Organization Framework Convention on Tobacco Control.

Recommendation 2 – Colour and finish for tobacco packaging (s 17) and lining (s 20)

The regulations should:

- (a) prohibit white internal packaging for all tobacco products and allow only internal packaging that is either:
 - Pantone 448C with a matt finish; or
 - the colour of the packaging material in its natural state; and
- (b) mandate that foil lining and paper backing be of a similar brown colour with matt finish.

Recommendation 3 – Surfaces (s 18)

All features of all tobacco product packaging should be mandated as strictly as possible or within strict limitations, including the opening and closing features of pouches, bags and cylindrical packaging.

Recommendation 4 – Barcodes (s 22), Calibration marks (s 23) and other features

The regulations should prohibit each mark (other than brand and variant names) from being related in any way to the brand or variant name of the tobacco product and constituting and/or providing access to tobacco advertising.

Recommendation 5 – Product presentation (sections 24 and 26)

The regulations should expressly prohibit packaging from containing any quantitative information about the nicotine, tar or carbon monoxide content of a tobacco product.

Recommendation 6 – Regulations regarding material, size, shape and opening mechanisms for tobacco products (Chapter V, sections 26-28)

- (a) The regulations should:
 - prescribe height, width and depth dimensions of packaging for all tobacco products
 - prohibit bevelled and rounded edges and only allow pack lids that are flip top (and not shoulder box hinged lids)
 - prohibit soft cigarette packs (by mandating rigid cardboard material).
- (b) Consideration should be given to whether research is required to determine features of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.

Recommendation 7 – Marking of tobacco packets with brand and variant names, and manufacturer information (Chapter VI, sections 29-31)

- (a) From a public health perspective (and if not already addressed in other laws), consideration should be given to ways in which specific pack features of a potentially misleading nature could be prevented from appearing on packs, including:
- the use of numbers (including numerals or words) in brand and variant names
 - the use of descriptors such as “smooth” that have the potential to mislead consumers about product strength and harm
 - the use of words (in brand and variant names) for particular colours (for example, the word “red”) that have connotations with product strength.
- (b) Consideration should be given to means of preventing:
- the use of brand names from including variant names
 - long, distracting and attention grabbing brand and variant names.
- (c) The regulations should specify that brand and variant names appear horizontally on all surfaces.

Recommendation 8 – Labelling with information about the manufacturer (s 32)

Producer details should be mandated to appear only once and only on an outer surface.

Recommendation 9 – Minimum size and marking of content and weight (s 33)

The regulations should:

- (a) standardise pack sizes to packs of 20
- (b) require individually sold cigars to be packaged in cigar tubes.

Recommendation 10 – Marking of the number of units on packages (sections 34 and 35)

Consideration should be given to whether research is required to determine labelling of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.

Recommendation 11 – Regulations regarding cigarette design (s 37)

The regulations should prohibit brand and variant names from appearing on sticks and to allow only alphanumeric codes to appear on sticks.

Recommendation 12 – Regulations on the designs of cigars (s 38)

The regulations should:

- (a) prohibit country of origin marks from describing tobacco products or components of products; and
- (b) define “cigar” and “cigarillo” as products enclosed by tobacco or other plant leaf (if not already so defined).

Recommendation 13 – Regulations regarding the design of snus portions (s 40)

- (a) The regulations should require the material used for wrapping individual snus portions to be the same drab colour as external packaging.
- (b) Consideration should be given to whether research is required to determine features of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.

Recommendation 14 – Obscuring legislative requirements

The regulations should specify that mandated features (such as health warnings etc) cannot be obscured by the following pack features:

- brand, business, company and variant names
- adhesive labels
- tabs for resealing
- barcodes
- any other relevant pack features (for example, tax stamps).

Recommendation 15 – Windows

Consideration should be given to whether a specific provision prohibiting retailing packaging (other than plastic wrappers) from enabling the contents of packaging to be visible from the outside of the packaging.

Recommendation 16 – Origin marks

Should origin marks be permitted or required, they should be mandated to be either alphanumeric codes or covert marks that appear only once on the packaging.

Recommendation 17 – Noise and scent

The regulations should prohibit tobacco packaging features from making a noise or containing or producing a scent that could be taken to constitute a tobacco advertisement.

1. Introduction

Plain packaging has been in place in Australia since December 2012. For the purpose of assisting countries seeking to implement plain or standardised packaging, Cancer Council Victoria has undertaken a thorough review of how our regime operates in practice. We hope our reflections are useful to Norway's implementation of plain packaging. We congratulate Norway on taking its next key step in tobacco control in moving towards plain packaging.

1.1 About Cancer Council Victoria

Cancer Council Victoria (Cancer Council) is an independent charity that has been leading the fight against cancer since 1936. We are the largest non-government provider of cancer research funds in Victoria. Cancer Council undertakes three important aspects of cancer control — research, prevention and support for people with cancer, their families and friends. Our people undertake the work of Cancer Council in line with the values of Excellence, Integrity and Compassion.

1.2 Plain packaging as part of a comprehensive tobacco control regime in Australia

The objectives of the Australian *Tobacco Plain Packaging Act 2011* (Cth) (the Act) are:

- (a) to improve public health by:
 - (i) discouraging people from taking up smoking, or using tobacco products; and
 - (ii) encouraging people to give up smoking, and to stop using tobacco products; and
 - (iii) discouraging people who have given up smoking or who have stopped using tobacco products, from relapsing; and
 - (iv) reducing people's exposure to smoke from tobacco products; and
- (b) to give effect to certain obligations that Australia has as a party to the Convention on Tobacco Control.

Parliament intends to contribute to achieving these objectives by regulating the retail packaging and appearance of tobacco products in order to:

- (i) reduce the appeal of tobacco products to consumers;
- (ii) increase the effectiveness of health warnings on the retail packaging of tobacco products; and
- (iii) reduce the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products.

The Explanatory Memorandum to the Act notes that through the achievement of the above three points in the long term, as part of a comprehensive suite of tobacco control measures, it is expected that the Act will contribute to efforts to reduce smoking rates.¹

Australia's comprehensive approach to tobacco control is paying off with a decline in smoking prevalence evidenced in results of its most recent National Drug Strategy Household Survey ('NDSH survey'), which showed that smoking declined significantly between 2010 and 2013 (from 15.1% to 12.8%),² a record reduction of 15.2%. The average three-yearly percentage decline across the nine surveys since 1991 had been 7.6%, with the previous biggest fall being 11%.

2. Research post implementation of plain packaging in Australia

Below is a summary of findings from research carried out leading up to and after implementation of plain packaging in Australia:

2.1 Industry responses to plain packaging

- **Tobacco product developments coinciding with the implementation of plain packaging in Australia:** Monitoring of offerings of factory-made cigarettes of all three major tobacco manufacturing companies in Australia revealed five major trends in the 12 months leading up to and following the implementation of plain packaging in Australia:
 - reassurance of product quality to smokers (written guarantees of continuing quality; graphic suggestion of continuing product quality; production of covers);
 - shift of promotional attention to brand and variant names (colour connotations achieved with packaging continued through incorporation of that brand variant name; more evocative names; displacement of brown pack space with lettering);
 - renewed emphasis on value for money (introduction of menthol varieties in 'value' brands; new super-value packs; extra length cigarettes; packs with 'extra' cigarettes);
 - introduction of novel products (menthol hybrids; mint leaf 'fusions'); and
 - rationalisation of product offerings.³

2.2 Industry arguments about unintended consequences

(a) Product retrieval time and retailer impact

- The predictions of tobacco industry funded retailer groups that the time taken by retailers to retrieve products at the time of sale would increase, have not been borne out by research. Findings from research to date have found that:
 - Average selection times decreased significantly following implementation of plain packaging, providing modest gains in retailer efficiency.⁴
 - Retrieval time declined as days after plain packaging implementation increased and returned to normal by the second week⁵ and sustained several months later.⁶
- Both a national⁷ and a Victorian⁸ study found no decline following the introduction of the legislation in the proportion of smokers purchasing from small businesses.

(b) Retail price and point of sale

- Prices did not fall dramatically following the introduction of plain packaging.
 - Analysis of retailer price lists showed that recommended retail prices (RRPs) of tobacco products sold in Australia following the 2012 implementation of plain packaging concluded that RRP of tobacco products were higher in real terms 1 year after Australia's plain packaging legislation was implemented. These increases exceeded increases resulting from Consumer Price Index (CPI) indexation of duty and occurred across all three major manufacturers for both factory-made and RYO brands, all three cigarette market segments and all major pack sizes.⁹
 - Monitoring of the advertised price of the most prominently promoted and the cheapest single packs of cigarettes in Australian retail outlets before and after the implementation of PP concluded that the price of cigarettes most prominently promoted on price boards did not decrease in the months following implementation of Australia's plain packaging legislation. Retail prices continued to increase above the level resulting from automatic indexation of excise/customs duty even at the lowest-priced end of the Australian market.¹⁰

(c) Illicit tobacco

- No increases were detected in the percentage of retailers willing to sell illicit tobacco.
 - A national audit of retail outlets found that the likelihood of a 'positive' response (either an offer to sell or information about where unbranded tobacco may be purchased) did not differ across pre-implementation, during-implementation and post-implementation waves. Packs judged likely to be illicit were sold in response to requests for cheapest available packs on fewer than one percent of occasions. Offers to sell unbranded tobacco were rare. No change in availability of illicit tobacco was observed following implementation of plain packaging.¹¹
 - A study assessing the availability of illicit tobacco (known as chop-chop in Australia) from specialist tobacconists in Melbourne (only) following the implementation of plain packaging also concluded that the availability of unbranded tobacco appeared to be low and shows no signs of increasing in the months following the introduction of plain packaging legislation in Australia.¹²
- Studies analysing smokers use of illicit tobacco also found no evidence of increases.
 - A national study found no evidence in Australia of increased use of two categories of manufactured cigarettes likely to be contraband, no increase in purchase from informal sellers and no increased use of unbranded illicit 'chop-chop' tobacco.¹³ Victorian smokers were no more likely to use illicit tobacco in November 2013 (one year after implementation) than in 2012, one year before.¹⁴

2.3 Objectives of plain packaging legislation

Several research groups and studies have found considerable evidence among adult smokers of changes consistent with the specific objectives of the legislation in regard to reducing promotional appeal and increasing effectiveness of health warnings. These include a study by the New South Wales Cancer Institute, a comprehensive suite of studies based on a national tracking survey funded by the Department of Health and conducted by the Centre for Behavioural Research in Cancer, and a study conducted as part of the International Tobacco Control Policy Research study.

(a) Reduced appeal

- **Smokers in NSW:** Evaluation of the impact of Australia's plain packaging policy among adult smokers in New South Wales found a significant increase in the proportion of smokers strongly disagreeing that the look of their cigarette pack is attractive, says something good about them, influences the brand they buy, makes their pack stand out, is fashionable, and matches their style. Changes in these outcomes were maintained 6 months post-intervention.¹⁵
- **Australian smokers:** A national tracking study found that following implementation of the legislation, more smokers disliked their pack and perceived lower pack appeal, lower cigarette quality, lower satisfaction and lower value. Smokers were also more likely to disagree that brands differed in prestige. There was no change in perceived differences in taste of different brands. Changes were sustained among adult smokers up to 12 months after implementation. Interactions signified greater change for four outcomes assessing aspects of appeal among young adults and two appeal outcomes among mid-aged adults.¹⁶
- **Teenagers:** Research examining the impact of plain packaging of cigarettes with enhanced graphic health warnings (GHWs) on adolescents' perceptions of pack image and perceived brand differences found that the introduction of standardised packaging has reduced the appeal of cigarette packs.¹⁷

- **Socioeconomically disadvantaged smokers' rating of plain packaging:** A qualitative study of highly socioeconomically disadvantaged smokers concluded that plain packaging and larger GHWs were associated with reduced positive cigarette brand image and purchase intentions.¹⁸

(b) Increased effectiveness of health warnings

- The Australian national tracking study found that following plain packaging, more smokers noticed GHWs, attributed much motivation to quit to GHWs, avoided specific GHWs when purchasing and covered packs, with no change in perceived exaggeration of harms.¹⁹
- Evaluation of the impact of Australia's plain packaging policy among adult smokers in New South Wales found a significant increase in the proportion of smokers having strong cognitive, emotional and avoidant responses to on-pack health warnings. Once again, changes in these outcomes were maintained 6 months post-intervention.²⁰
- A study examining the impact of plain packaging with enhanced GHWs on Australian adolescents' cognitive processing of warnings and awareness of different health consequences of smoking has found that acknowledgement of negative health effects of smoking among Australian adolescents remains high. Apart from increased awareness of bladder cancer, new requirements for packaging and health warnings did not increase adolescents' cognitive processing of warning information.²¹
- **Smokers' reactions to the new larger health warnings on plain packaging:** Analysis of data from the International Tobacco Control (ITC) study indicated evidence of reactance among a small minority. However, attentional orientation towards the health warning labels (HWLs) and reported frequency of noticing warnings increased significantly after the policy change. Although frequency of forgoing a cigarette did not change, smokers also thought more about the harms of smoking and avoided the HWLs more after the policy change. The subgroup that switched from initially focusing away to focusing on the HWLs following the policy change noticed and read the HWLs more, and also thought more about the harmful effects of smoking.²²

(c) Ability of packaging to mislead

Results from the national tracking survey indicate an increased proportion of smokers following implementation believing that brands do not differ in harmfulness, but no change in the belief that variants do not differ in strength or the perceived harmfulness of cigarettes compared with a year ago.²³ See section 3.7 below for results of further research about the effects of brand variant names.

2.4 Types of tobacco products

- **Cigars:** A set of research projects exploring cigar and cigarillo smokers' experiences of plain packaging and strengthened GHWs concluded that non-premium cigarillo smokers appear to have been most exposed and influenced by plain packaging, with cigar smokers less so, especially regular premium cigar smokers who have maintained access to fully branded products.²⁴
- **Tobacco product type:** The Australian national tracking study found that plain packaging was associated with an increase in use of value brands, likely due to increased numbers available and smaller increases in prices for value relative to premium brands. Reported consumption declined following the December 2013 tax increase.²⁵

2.5 Flow-on effects of plain packaging

- **Thoughts about quitting:** A study conducted during the November 2012 transition to plain packaging investigating whether smokers smoking from plain packs had different smoking beliefs and quitting thoughts compared to those smoking from branded packs concluded that the early indication was that plain packaging was associated with lower smoking appeal, more support for the policy and more urgency to quit among adult smokers.²⁶
- **Personal pack display:** An ongoing study examining cigarette pack display, pack orientation and smoking at outdoor venues following the introduction of plain packaging and larger pictorial health warnings in Australia found a decline in pack display. It has also found that a small proportion of smokers took steps to conceal packs that would otherwise be visible, with the researchers concluding that both findings were promising outcomes to minimize exposure to tobacco promotion.²⁷ Research observing tobacco pack display and smoking at outdoor venues over three summers to assess changes in their prevalence following Australia's introduction of plain tobacco packaging with larger pictorial health warnings found that there was a sustained reduction in visibility of tobacco products and smoking in public, particularly in the presence of children, from pre-plain packaging to 1 year post-plain packaging. Researchers concluded that this effect is likely to reduce smoking-related social norms, thereby weakening an important influence on smoking uptake and better supporting quit attempts.²⁸
- **Seeking help to quit:** Introduction of plain packaging in Australia was associated with a sustained increase in calls to Quitline smoking cessation helpline after the introduction of plain packaging. This was greater than the impact of the introduction of graphic health warnings in 2006.²⁹
- **Link between objectives and quitting:** Examination of data from the national tracking survey found predictive relationships between proximal and distal measures of plain packaging, giving initial insight into the pathways through which plain packaging with larger GHWs may lead to changes in smoking behaviour. The authors suggest that future research should examine whether the effects are conditional on individual demographic and smoking characteristics.³⁰
- **Quit attempts:** Implementation of plain packaging with larger GHWs was associated with increased rates of quitting cognitions, micro indicators of concern and quit attempts among adult cigarette smokers.³¹

2.6 Public support for plain packaging

- **Australian smokers' support of plain packaging before and after implementation:** Research examining attitudes to new packs before and after implementation, predictors of attitudinal changes and the relationship between support and quitting activity found that since the implementation of plain packaging, support among smokers and ex-smokers for plain packaging in Australia almost doubled after implementation (from 28% to 51%).³² Support is related to lower addiction, stronger beliefs in the negative impacts of smoking and higher levels of quitting activity.³³

2.7 Plain packaging mark II

Effects of brand variants on smokers' choice: Focus group research conducted in New Zealand exploring how brand descriptors affected smokers' responses to plain packs featuring different variant name combinations concluded that some descriptors significantly enhance the appeal of tobacco products among different groups of smokers and may undermine plain packaging's dissuasive intent. Policymakers should

explicitly regulate variant names to avoid the 'poetry on a package' evident in Australia. Options include disallowing new descriptors, limiting the number of descriptors permitted or banning descriptors altogether.³⁴

A full list of these studies and abstracts/ overviews is included in the **Appendix**.

3. Recommendations

It is widely recognised that packaging has always been an important tool in marketing tobacco. In light of prohibitions and restrictions on tobacco advertising generally, packaging has become even more critical to the promotion of tobacco.³⁵ The experience of implementing plain packaging in Australia demonstrates that any gap in packaging standardisation requirements will be exploited by the tobacco industry to distinguish and promote their products. This submission seeks to draw on the Australian experience and relevant research in making recommendations on the draft regulations.

3.1 Objectives of the regulations (s 1)

Draft section 1 includes important objectives for the regulations, including (in summary):

- limiting damage to health caused by tobacco by reducing the consumption of tobacco products
- preventing consumption of tobacco products by regulating them so that they do not appeal to children and youth - by:
 - the increased attention to and impact of health warnings; and
 - minimising the risk that the design is misleading with regard to the harmful effects to health of tobacco use.

We make the following observations and recommendations on objectives:

- Section 1 should make reference to the ways in which the objective of reducing consumption is to be achieved, including via the following:
 - discouraging people from taking up or using tobacco
 - encouraging people to give up tobacco
 - discouraging people who have given up using tobacco from relapsing

We note that the Australian plain packaging regime also includes the objective of improving public health by reducing people's exposure to smoke from tobacco products. Norway could consider whether this objective is relevant to its standardised packaging regime.

- Section 1 should include a statement on the specific ways in which standardised packaging is anticipated to contribute to achieving the objectives noted above. These include:
 - reducing the appeal of tobacco products
 - increasing the effectiveness of health warnings
 - reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products.

While children and young people are an important target of tobacco control, it should be made clear in the section 1 that it is intended that the benefits of standardised packaging will apply to the whole population of Norway.

- The objectives of the regulations should include a reference to the World Health Organization Framework Convention on Tobacco Control. For example, object (1)(b) of Australia's *Tobacco Plain Packaging Act 2011* (Cth) indicates that it is to give effect to certain obligations that Australia has as a party to the World Health Organization Framework Convention on Tobacco Control ('FCTC').

Recommendation 1: *Section 1 should:*

- (a) clearly state objectives applicable to tobacco control generally*
- (b) clearly state the specific ways in which it is anticipated that standardised packaging will contribute to the objectives*
- (c) include a reference to the World Health Organization Framework Convention on Tobacco Control.*

3.2 Colour and finish for tobacco packaging (s 17) and lining (s 20)

While the Australian plain packaging regime³⁶ regulates the inside area of tobacco packages, we believe there are aspects of the Australian regime which can be improved upon. The Australian plain packaging regime mandates that each internal finish of cigarette packs or cartons must be white.³⁷ For other tobacco products, the internal packaging must be white or the colour of the packaging material in its natural state.³⁸ The draft amendments to the labelling regulations require internal packaging for cigarettes to be white or Pantone 448C with a matt finish and for internal packaging of other tobacco products to be either white or the natural colour of the respective material (s 17). The Australian plain packaging regime mandates that the lining of a cigarette pack must be silver coloured foil with a white paper backing.³⁹ The draft amendments to the labelling regulations mandate the same requirements for lining in any tobacco product packaging (s 20). In Ireland, we note that the Joint Oireachtas Committee on Health and Children recommended that inner packaging of tobacco products be the same colour as the outside surface.⁴⁰

White coloured packaging has been shown through research on external packaging to give rise to perceptions regarding decreased product strength and harm (among other things).⁴¹ Having the inside of packaging and any linings the same drab, unattractive colour as the outside of the packaging will further reduce the appeal of tobacco and tobacco products. It is inconsistent that the outside of tobacco packaging should look unattractive and provide graphic images of the damage tobacco use can result in, while the inside of packaging where the cigarettes (or other tobacco products) are kept remains pristine, white/silver and clean. This may give the false impression that tobacco use is somehow less damaging than the outside implies and also may provide reassurance to smokers that inside the packaging nothing has changed and therefore their brand affinity is safe. Indeed, in the lead up to the operation of plain packaging in Australia, Imperial Tobacco (the makers of the Peter Stuyvesant brand) exploited this exact message by producing packaging with the slogan 'It's what's on the inside that counts' - providing reassurance to smokers that while packs may look different in the future, their known and trusted cigarettes will remain the same:

Picture 1: Peter Stuyvesant brand – “It’s what’s on the inside that counts”



Picture 2: Peter Stuyvesant brand – “It’s what’s on the inside that counts”



Recommendation 2: The regulations should:

- (a) prohibit white internal packaging for all tobacco products and allow only internal packaging that is either:
 - Pantone 448C with a matt finish; or
 - the colour of the packaging material in its natural state; and
- (b) mandate that foil lining and paper backing be of a similar brown colour with matt finish.

3.3 Surfaces (s 18)

Section 18 appears to intend for packaging to be free from irregular elements while allowing features necessary for closing or fastening pouches, bags or cylindrical packaging. The draft wording appears to leave it to manufacturers to determine features necessary for those purposes. Experience shows that allowing tobacco manufacturers any discretion to determine 'necessary' pack features is likely to result in those features being used to promote and distinguish between products. For this reason, all features of all packaging, including pouch and cylindrical packaging, should be specifically mandated. This includes opening and closing features. Any feature not specified by the regulations should be prohibited.

By way of example, under the Australian plain packaging regime, packaging for roll your own tobacco has minimum dimensions mandated⁴² and re-sealable tabs need to be transparent and not coloured, or black or Pantone 448C and must not obscure legislative requirements.⁴³

Recommendation 3: *All features of all tobacco product packaging should be mandated as strictly as possible or within strict limitations, including the opening and closing features of pouches, bags and cylindrical packaging.*

3.4 Barcodes (s 22), Calibration marks (s 23) and other features

The Australian plain packaging regime provides that the following pack features are prohibited from constituting and/or providing access to tobacco advertising.

- Origin marks⁴⁴
- Calibration marks⁴⁵
- Measurement marks and trade descriptions⁴⁶
- Bar code⁴⁷
- Fire risk statement⁴⁸
- Locally made product statement⁴⁹
- Name and address⁵⁰
- Consumer contact telephone number⁵¹
- Embossing (automated manufacturing dots) of lining⁵²
- Alphanumeric codes⁵³
- Covert marks.⁵⁴

Additionally, telephone numbers⁵⁵ and alphanumeric codes⁵⁶ must not represent, or be related in any way to, the brand or variant name of the tobacco product.

We note that it is difficult to envisage every possibility for how markings and other features can be used for promotional purposes. For example, British American Tobacco Australia attempted to use alphanumeric codes to refer to "Australia" and "New York City" (see pictures 3-4 below). The responsible Government department held discussions with tobacco companies regarding this issue, following which the Department was ultimately advised that "all major tobacco companies in the Australian market are producing cigarette sticks with compliant paper casing and alphanumeric codes as at the end of January 2013".⁵⁷

Picture 3: British American Tobacco Australia – Alphanumeric code linking to “Australia”

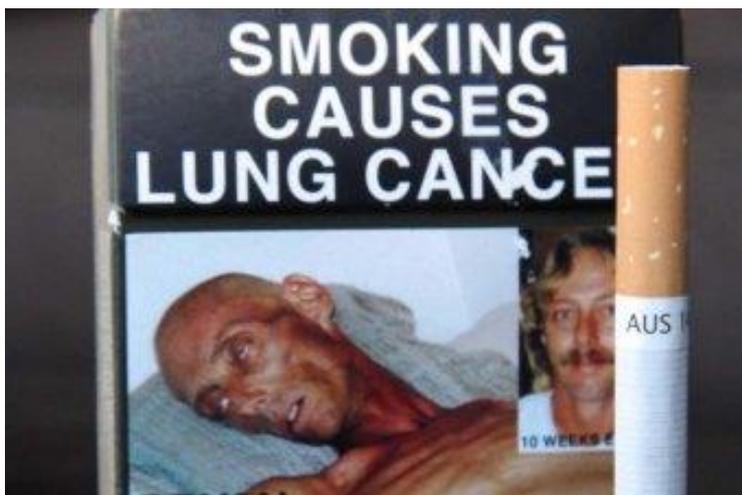


Image: <http://www.abc.net.au/news/2012-11-29/tobacco-producer-reprimanded-for-plain-packaging-breach/4397694>

Picture 4: British American Tobacco Australia (Pall Mall) – Alphanumeric code linking to “New York City”



Recommendation 4: *The regulations should prohibit each mark (other than brand and variant names) from being related in any way to the brand or variant name of the tobacco product and constituting and/or providing access to tobacco advertising.*

3.5 Product presentation (sections 24 and 36)

As discussed at 3.7, Australian tobacco products are not permitted to include any numbers or words that refer to average levels of machine tested tar, nicotine, and/or carbon monoxide emitted from cigarettes. It is important that tobacco packaging does not contain this information as it can potentially mislead consumers into believing that some tobacco products are less dangerous than others (which would in turn undermine an important objective of standardised packaging). It is strongly recommended that quantitative information on nicotine, tar or carbon monoxide content be prohibited under the regulations.

Our recommendations on brand and variant names (sections 29-31) are relevant to section 24. Please see our recommendation 10.

Recommendation 5: *The regulations should expressly prohibit packaging from containing any quantitative information about the nicotine, tar or carbon monoxide content of a tobacco product.*

3.6 Regulations regarding material, size, shape and opening mechanisms for tobacco products (Chapter V, sections 26-28).

Section 26 permits only cardboard and soft packs, requires packs to be a cuboid shape, and permits both flip top openings and shoulder boxes with hinged lids. Section 27 requires packets of hand rolling tobacco to be cuboid, cylindrical or in the form of a pouch. For both cigarettes and roll your own packaging, sides of shoulder boxes with hinged lids must have a height of at least 16mm (measured between the front and the back of the packet). Section 28 requires snus packets to be shaped as cylindrical cans or tins, with uniform lids and uniformly flat bases but does not specify size, shape or opening mechanisms. Section 28 permits snus packs to be made from either hard plastic, cardboard or metal.

We appreciate that some of the issues addressed in Chapter V reflect provisions of the EU Tobacco Products Directive ('TPD'). To the extent that it is possible in light of TPD requirements, we recommend that the draft regulations be amended to:

- (a) completely standardise height, width and depth dimensions of all tobacco packaging (including snus packaging)
- (b) expressly prohibit bevelled and rounded edges and to only allow cigarette pack lids that are flip top (and not should box hinged lids)
- (c) prohibit soft cigarette packs.

This is because research examining differing pack structures and features of plain packaging concludes that:

- "Pack shape and pack opening affect every smokers' perception of the packs and the cigarettes they contain. This means they have the potential to create appeal and differentiate products";⁵⁸ and
- "Packaging appears to both attract young people and mislead them about product strength and relative harm. Innovative pack construction (novel pack shape and method of opening) and the use of colour are instrumental in these effects".⁵⁹

Australian Government research undertaken to assess potential plain packaging design elements for the Australian plain packaging regime ('Australian Government research') concluded that "pack design and size (along with cigarette type) inform various associations: cigarette quality, nicotine content, perceptions of being

local or foreign, premium or budget; and masculine or feminine” and that “these associations are commonly used by smokers to differentiate between brands and variants”.⁶⁰

Research by Borland et al found (among other things) that, of the differently shaped plain packs used in the study:

- *Attractiveness and quality:* the rounded pack was rated the most attractive and the one with the highest quality of cigarettes. The bevelled pack was rated significantly more attractive than the Standard pack and both more attractive and of higher quality than all the other packs apart from the rounded pack.
- *Distraction from health warnings – pack shape:* The Standard pack was rated as least distracting from health warnings and was significantly lower in distraction compared with the 4 x 5, bevelled and rounded packs.
- *Distraction from health warning – opening:* There was a clear difference in ratings on tendency to distract from warnings. The Standard flip-top opening rated as least distracting and significantly lower than all other pack opening styles.
- *Most preferred packs:* The most preferred packs were the bevelled and rounded packs.⁶¹

Further, specific pack features such as bevelled and rounded edges, slim configurations and booklet style packs have been identified by the tobacco industry as effective means to communicate product attributes, influence perceptions of reduced product harm/ promote “lighter” products, and to appeal to young people and other distinct consumer groups.⁶²

We provide specific feedback on each category below.

(a) Height, width and depth of tobacco packaging

The Australian plain packaging regime prescribes maximum and/or minimum dimensions for tobacco packaging (meaning that similar tobacco products can come in different sized packaging).⁶³ We recommend that Norway’s regulations improve on Australia’s regime by mandating one size for each of the various tobacco product categories.

Snus is not available in Australia so we have no packaging specifications to recommend. It may be that research is required to determine features of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.

For cigarette packs, the smallest these dimensions should be is the current dimensions of a standard pack of 20 cigarettes (height: 85mm; width 55mm and depth 20mm). We appreciate that requirements are prescribed by the TPD regarding minimum dimensions of health warnings on cigarette packs which will in effect require minimum sizing for packaging, and that health warnings are required to take up a particular proportion of cigarette packaging.⁶⁴ However, we believe that one standard pack size will more effectively reduce the potential for pack designs to mislead consumers about harmful effects or be used for promotional purposes. The same can also be said for roll your own tobacco and snus.

Leaving pack dimensions unspecified risks undermining the potential to achieve key objectives of standardised packaging, including (a) reducing appeal of tobacco products; (b) increasing effectiveness of health warnings; and (c) reducing the ability of packaging to mislead consumers. We elaborate below.

(i) Pack size as a source of promotion

The tobacco industry has been exploiting pack size and shape as a remaining form of tobacco promotion.⁶⁵ For example, Kotnowski and Hammond⁶⁶ make the following observations regarding tobacco industry research findings on pack shape (references omitted):

“Packaging with the smallest dimensions were attractive to young adults, irrespective of whether the pack contained 100mm, 120mm, regular or short length cigarettes. Overwhelmingly, packs with slim and thin configurations were appealing to young women” (p. 1161).

The Australian Government research shows pack size adds to the appeal of tobacco products with respondents forming associations with different pack sizes and shapes including masculine and feminine smokers, ‘practicality’, and ‘novelty.’⁶⁷ For example, a Vogue Super Slims pack was seen as “solely attractive for females under 25 years old”.⁶⁸

Picture 5: Examples of slim cigarette packs



The minimum size for packs should be large enough:

- to be as least attractive to children as possible;
- to ensure that the warning on the front of the pack is sufficiently large to have the desired impact; and
- to allow a sufficiently large font size for legibility of information required on the side and other surfaces of the pack.

The maximum size for packs should:

- prohibit very tall narrow packs which could be seen as quite an elegant shape;
- prevent the distortion of health warnings that would occur where packs are substantially taller than they are wide, or substantially wider than they are tall;
- ensure that packs don't become so deep that the side of the pack becomes a de facto surface;
- ensure that packs do not become so uncomfortably large to hold that smokers are likely to decant them into smaller containers for daily use.

(ii) pack shape can mislead consumers about the harmful effects of smoking

Kotnowski and Hammond make the following observations regarding tobacco industry research into the effects of pack shape on consumer perceptions regarding product strength.

“Industry documents indicate that pack shape has been used to influence health-related perceptions of product ‘lightness’ and ‘reduced tar’, including through the use of slim configurations and rounded corners” (p. 1661).

(b) Bevelled and rounded edges and alternative lids/openings

Like with pack shape and size, the tobacco industry has been exploiting features like bevelled and rounded edges and pack openings to promote products.⁶⁹ Kotnowski and Hammond make the following observations regarding tobacco industry research (references omitted):

- *Positive brand imagery*: “Octagonal, rounded and bevelled packs were consistently perceived as stylish, elegant and classy” (p.1660).
- *Perceptions of added value and premium quality*: “Research documents from Phillip Morris and RJ Reynolds suggested that a high-quality product can be conveyed by changing a flip-top box to a slide opening, octagonal shape or by making the corners bevelled” (p.1661).
- *Perceptions of product taste*: “Other pre-market research from Phillip Morris reported that ratings for smooth taste were increased when rounded corners were added to the Virginia Slims and Merit box”.
- *Impressions of appeal – rounded, octagonal or bevelled edges*: “Research documents show that, among smokers, rounded corners were consistently preferred over a traditional box for the brands Virginia Slims, Merit, Parliament, Winston and Benson & Hedges. Further, research demonstrated that rounded corners were particularly liked by females and young adults aged 20-29 years”. Other research on Parliament and Benson & Hedges indicated that “octagonal or bevelled-shaped packs appealed more to smokers than traditional rectangular packs” (p. 1662).
- *Impressions of appeal – unique innovations in pack shape*: “Qualitative research consistently showed that the booklet pack had significant appeal among women aged 20-24 years” (p.1662).
- *Influence of pack structure on purchase intent*: “...‘Exposure to booklet or oval in either graphic design created a desire to try’, and in subsequent qualitative research ‘most said they would likely buy one pack of Virginia Slims Kings because of the appeal of the unique package structure (booklet) and its inherent benefits” (p. 1162).
- *Influence of pack design on actual trial*: “In presentation documents, Phillip Morris credited the rounded corner box in 1989 for halting the decline of Multifilter in Italy, and in 1999 Philip Morris confirmed that an increase in Parliament shares was the result of the 100’s rounded-corner box launch” (p. 1663).

Survey respondents to the Australian Government research saw the rounded edges of a Du Maurier pack appealing, particularly for men, “who felt that this would lessen the sharp edges of packs digging into them when being carried in pockets”.⁷⁰ Respondents also reported a strong sense of appeal in relation to a Marlboro limited edition pack, solely due to the novel opening mechanism.⁷¹ Similarly, a Dunhill pack that was otherwise considered highly impractical was still somewhat desirable among respondents for its unique opening style.⁷²

(c) Soft packs

The draft regulations should be amended to allow cigarette packaging to be rigid and made of cardboard only (apart from glues and lining), therefore prohibiting soft packs. This is consistent with the Australian plain packaging regime. The research discussed above makes clear that the tobacco industry uses alternative pack structures for marketing purposes and that pack structures can influence consumer perceptions regarding various product attributes.

The Australian Government research found that Camel soft packs “were more likely to be associated with words like ‘masculine’, ‘serious’ and ‘tough’”.⁷³ Camel soft packs had responses that suggested it has a more “foreign” association and some respondents felt the camel brand to be appealing as it was somewhat ‘exotic’ or specifically ‘European’ in nature.⁷⁴

Recommendation 6:

(a) The regulations should:

- *prescribe height, width and depth dimensions of packaging for all tobacco products*
- *prohibit bevelled and rounded edges and only allow pack lids that are flip top (and not shoulder box hinged lids)*
- *prohibit soft cigarette packs (by mandating rigid cardboard material).*

(b) Consideration should be given to whether research is required to determine features of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.

3.7 Marking of tobacco packets with brand and variant names, and manufacturer information (Chapter VI – sections 29-31)

The Australian plain packaging regime allows cigarette packs and cartons to have a brand, business or company name in 14 font with the variant name appearing below in 10 font. The draft regulations are consistent with this and we endorse standardised sizes and fonts. Our recommendations draw on our experience of monitoring the implementation of the Australian plain packaging regime.

(a) Numbers in brand and variant names

The main limitation on brand and variant names for tobacco products sold in Australia exists under court enforceable undertakings pursued by the Australian Competition and Consumer Commission (‘ACCC’) in 2006. The undertakings entered into with individual tobacco companies prohibit the use of ‘descriptors’ in brand or variant names – such as “light” and “mild” and “any numbers (including numbers or words) which refer to average levels of machine tested Tar, nicotine, and/or carbon monoxide emitted from cigarettes”.⁷⁵

We recommend that the draft regulations be amended to go further than the ACCC undertakings described above by prohibiting the use of numbers in brand or variant names altogether. This is because, even if a number does not appear in the context of describing nicotine, tar or carbon monoxide content, numbers within brand or variant names can still create connotations regarding product strength no matter how they appear in a brand and variant name. This is reflected in research.⁷⁶

(b) Descriptors within brand and variant names

Plain packaging legislation in Australia places no specific restrictions or limitations on the naming of brands and continues to allow the use of brand variants. This is despite the fact that research has found that words such as “smooth”, “silver” and “gold” are perceived in similar ways to “light” and “mild” descriptors, in the way that such descriptors give rise to perceptions that some products deliver less tar and pose lower health risks compared

with full flavour and regular brands.⁷⁷ These findings also suggest that descriptive words of colours can result in similar connotations regarding product strength and harm that have been achieved through coloured packaging.⁷⁸ This is reflected in the systemic review finding that plain packs without descriptors were perceived as more harmful than packs with descriptors (eg. 'gold' or 'smooth').⁷⁹ This means that smokers may continue to erroneously believe that products labelled with descriptive terms such as "gold", "smooth" or "silver" are less harmful even where the packaging colour is standardised.

In Australia, tobacco companies have exploited these remaining forms of promotion still available under our plain packaging regime, in two ways:⁸⁰

- Registering brand names that include a colour (eg. "Marlboro Red", allowing the connotations achieved through previously coloured and branded packs to continue with the inclusion of the word for a particular colour into the brand variant name (see picture 7 below)).
- The registration of more evocative names.

Leading up to the introduction of plain packaging in Australia, variant names that did not include colour descriptors were extended to include the colours of packaging that were in use prior to the implementation of the legislation. For example:

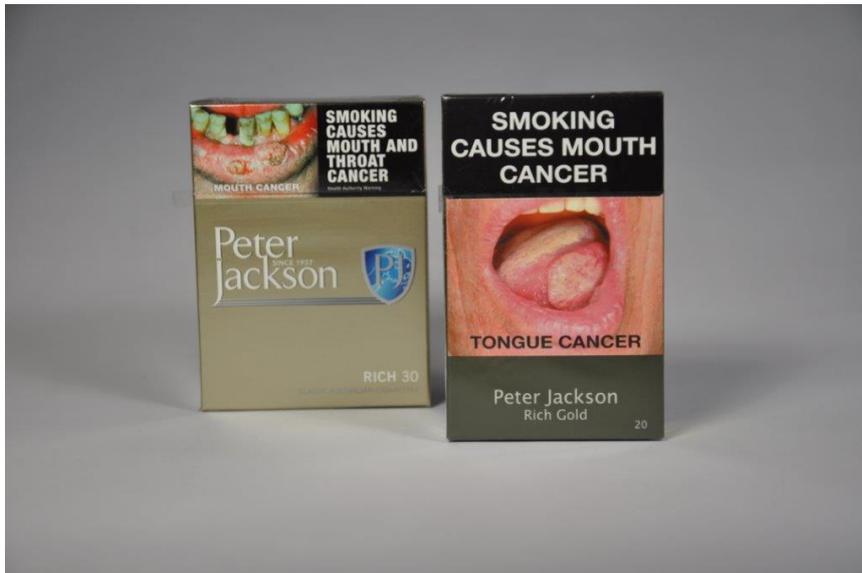
- The formerly blue packaged Dunhill Distinct became Dunhill Distinct Blue.
- Dunhill Infinite, formerly packaged in white, became Dunhill Infinite White.
- Dunhill Premier, once packaged in red, became Dunhill Premier Red.

Picture 6: Dunhill "Premier Red" variant extension



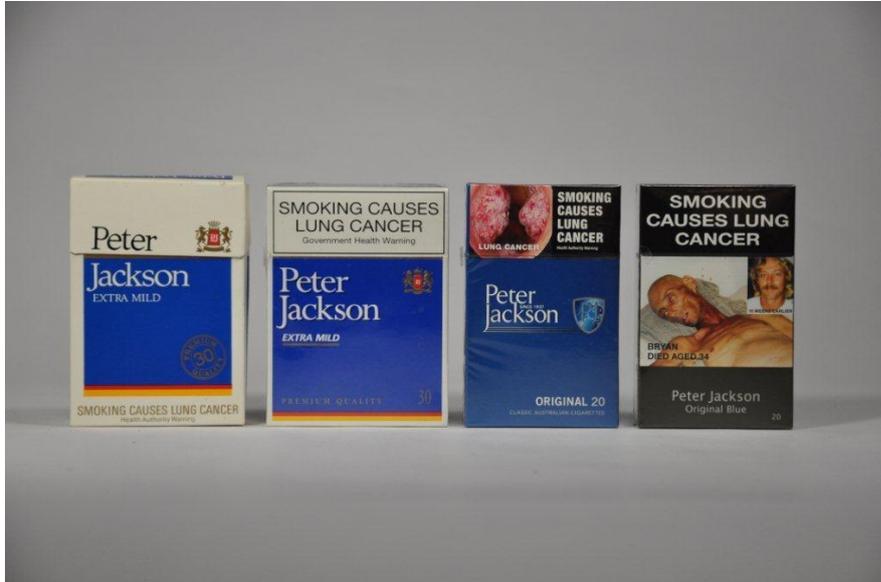
- *Peter Jackson Rich*, which previously had gold packaging has been renamed *Peter Jackson Rich Gold*.

Picture 7: Peter Jackson “Rich Gold” variant extension



- *Peter Jackson Original* which previously had blue packaging, became *Peter Jackson Original Blue*.

Picture 8: Peter Jackson “Original Blue” variant extension

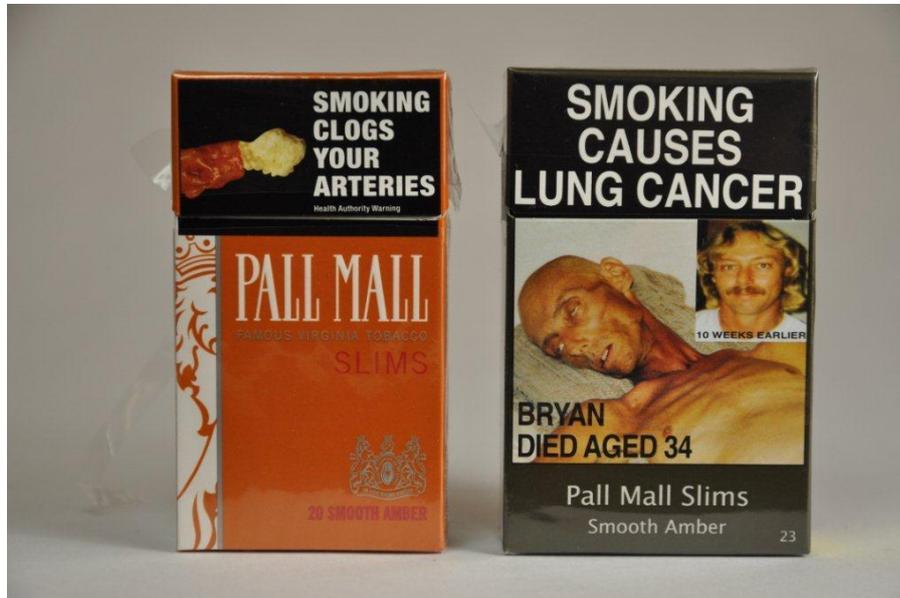


The effect of these modifications is likely to have been the retention of some of the connotations of prestige, tradition, quality, taste, strength and, by association, harm, previously implied by the packaging colour.

Further, in several instances, variant names that already included or implied a pack colour were lengthened to include descriptors that evoked the sensation or feature previously connoted by the colour. For example,

- *Pall Mall Amber* became *Pall Mall Slims Smooth Amber*.

Picture 9: Pall Mall Slims “Smooth” Amber variant extension



Several new products with unusually long and highly evocative names were also introduced into the market including *Peter Stuyvesant New York Blend* and *Marlboro Silver Fine Scent*.

While the Australian plain packaging regime has limited the font size in which the brand name and the variant name can be displayed, it placed no limit on the length of (number of characters in) the names. Apart from the pleasant associations they evoke, brand extensions such as *Peter Stuyvesant New York Blend* and long variant names for brands such as *Marlboro Silver Fine Scent* also have the advantage of taking up a very large amount of the brown space on the pack.

Limiting the length (number of letters) of brand and variant names would go some way to addressing this issue.

(c) Position and length of brand and variant details

We wish to draw attention to tobacco industry approaches that have sought to undermine and subvert the intention of the regulatory requirement to have brand and variant names appear on two separate lines. In light of Australia's plain packaging requirements, tobacco manufacturers have registered new brand names that include references to names that are typically variant names. This has been undertaken so that, in effect, both brand and variant names can appear on one line in the larger 14 font. For example, the following are now registered as stand-alone brand names:

Picture 10: "Marlboro Red" brand extension

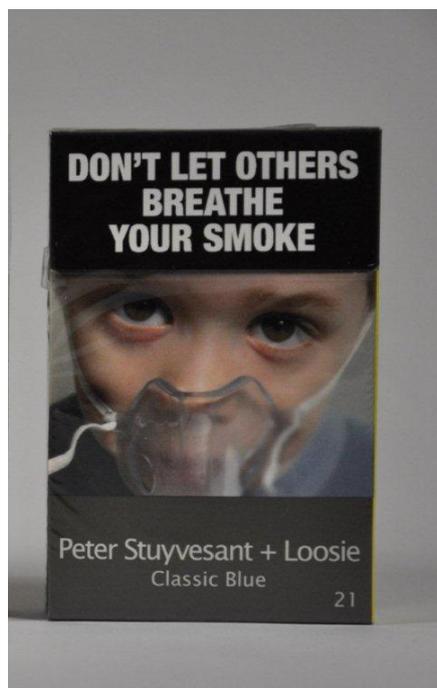


Picture 11: "Peter Jackson Hybrid" brand extension



Brand name extension has also been undertaken to promote a free cigarette in a pack of 21 (for the cost of 20)

Picture 12: “Peter Stuyvesant + Loosie” brand extension



We recommend that options be explored to prevent tobacco companies from avoiding or subverting the intention of regulatory requirements in this way. For example, consideration could be given to means of preventing:

- the use of brand names from including variant names
- long, distracting and attention grabbing brand and variant names.

We also note that the regulations are expressed to require brand and variant names to be located at the centre of any surface outside the designated area for health warnings and must be oriented in accordance with the warning (sections 30 and 31). We recommend that the orientation be specified as horizontal in each case (ie, for surfaces that do and do not contain a health warning). The Australian plain packaging regime specifies horizontal appearance in this regard which provides appropriate clarity on the required positioning of text.

Recommendation 7:

- (a)** From a public health perspective (and if not already addressed in other laws), consideration should be given to ways in which specific pack features of a potentially misleading nature could be prevented from appearing on packs, including:
- the use of numbers (including numerals or words) in brand and variant names
 - the use of descriptors such as “smooth” that have the potential to mislead consumers about product strength and harm
 - the use of words (in brand and variant names) for particular colours (for example, the word “red”) that have connotations with product strength.
- (b)** Consideration should be given to means of preventing:
- the use of brand names from including variant names
 - long, distracting and attention grabbing brand and variant names.
- (c)** The regulations should specify that brand and variant names appear horizontally on all surfaces.

3.8 Labelling with information about the manufacturer (s 32)

The draft regulations permit details about the manufacturer to appear only once and on any internal or external surface apart from the front surface of packaging (s 32). In comparison, the Australian plain packaging regime requires such information on cigarette packs or cartons (including producer name and address and consumer contact telephone number) to appear only once and on the side outer surface that does not bear a health warning.⁸¹ For other tobacco products, such information must appear only once on the same surface.⁸²

We recommend that producer details be mandated to appear only once and on an outer surface. Allowing producer details to be printed on the inside of packaging allows the name of a manufacturer to appear removed from the health warnings relevant to their products and if inner surfaces are allowed to remain white, will be associated with the “pristine” and “clean” inside of the pack.

Recommendation 8: *Producer details should be mandated to appear only once and only on an outer surface.*

3.9 Minimum size and marking of content and weight (s 33)

The draft regulations require unit packets to contain no less than 20 cigarettes which are not permitted to contain smaller packets or enable the product to be divided into smaller packets. Laws in Australia also mandate minimum stick numbers in packs; however, we believe there is a strong case for standardising the number of sticks in packs to 20. This is because pack size (in terms of number of sticks) can be used as a marketing feature, including for the purpose of drawing attention to a particular brand or promoting extra “value” packs. In the lead up to plain packaging in Australia, manufacturers used pack size to seek to provide extra value for money and retain consumer interest.⁸³ Strategies included the introduction of new “super-value” brands that provided more sticks at the same price as existing value brands, as well as adding “extra” or “bonus” sticks to existing value brands (ie, new pack sizes of 21, 22, 23 and 26 for brands traditionally sold in packs of 20 or 25).⁸⁴ Examples are provided below:

Picture 13: Bond Street (26 pack) and Just Smokes (25 pack) introduced early 2012 (pre-plain packaging in Australia)



Picture 14: Holiday “super saver” offering 2 extra cigarette sticks



In Australia, individually sold cigars are packaged in cigar tubes or can be placed in bags with graphic health warnings. We recommend that cigars sold individually be required to be sold in cigar tubes. Tobacco products generally require packaging, and cigars should be treated like an ordinary tobacco product. Requiring packaging is the only practical way in which individual cigars can be sold with health warnings.

Recommendation 9: *The regulations should:*

- (a) *standardise pack sizes to packs of 20*
- (b) *require individually sold cigars to be packaged in cigar tubes.*

3.10 Marking of the number of units on packages (sections 34 and 35)

Snus is not available in Australia so we have no specifications on the need for other types of labelling (for example, for bulk snus, portion snus, mini portion, dry snus, best before, keep refrigerated). It may be that research is required to determine labelling that will most effectively meet the objectives of standardised packaging.

Recommendation 10: *Consideration should be given to whether research is required to determine labelling of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.*

3.11 Regulations regarding cigarette design (s 37)

Our recommendations relate to (a) cigarette stick dimensions and (b) brand and variant names.

(a) Stick dimensions should be standardised

The draft regulations should be amended to standardise the diameter and length dimensions of cigarette sticks. The Australian plain packaging regime fails to do this even though research suggests that:

“[c]haracteristics of the cigarette stick affect smokers’ perceptions of the attributes of those cigarettes and are thus a potential means by which product differentiation can occur. A comprehensive policy to eliminate promotional aspects of cigarette design and packaging needs to include rules about stick design”.⁸⁵

The Australian Government research findings clearly indicate that “there are strong assumptions and levels of appeal associated with different cigarette sticks” including “different associations with different stick types or sizes”. Respondents across the sample “found slim sticks to be very feminine”, an association that was more pronounced than with the standard size white tip sticks due to their size/thickness and by the observations respondents had made of who smoked them (for example, “I kind of find the idea of a girl smoking the thin one appealing” and “it’s much more effeminate”).⁸⁶

We note that, even where specific or minimum/maximum pack dimensions are provided for and/or a minimum pack of 20 is mandated, these measures (either separately or combined) may not prevent the emergence of slim cigarettes. For example, in Australia, British American Tobacco brand *Vogue* complied with minimum pack dimensions, even when supplying slim cigarettes, by including a filler to take up the extra space inside the pack.

Picture 15: Vogue Superlims Bleue with pack filler



Picture 16: Vogue Superlims Bleue with pack filler



(b) Brand and variant names should be prohibited on sticks

The draft regulations on the appearance of cigarettes do not reflect best practice for plain packaging. The Australian plain packaging regime does not allow for the brand or variant name to appear on the cigarette and such marks are not necessary for identification of the product by the consumer. It is unlawful for cigarettes to be sold individually and as such identification of the product occurs when a pack is purchased and it is at this point that a brand needs to be identifiable. Because brands can appear on packaging there is no reason why this should be repeated on the cigarette stick themselves. The Australian plain packaging regime allows for manufacturers to print an alphanumeric code on cigarette sticks to assist with the manufacturing process and identification of illicit tobacco. This type of identification should be the only marks allowed on cigarette sticks.

Research by Borland and Savvas found that “[b]randed sticks were seen as more attractive, higher in quality and strong tasting than non-branding designs, regardless of brand” with “effects stronger for a prestige compared to a budget brand”.⁸⁷ The Australian experience demonstrates that alphanumeric codes are sufficient for identifying the product maker; therefore, the inclusion of brand and variant names on cigarette sticks is an unnecessary source of publicity for the products in question.

The Australian Government research found that respondents used the following two criteria across the sample to appraise the appeal or attractiveness of different branding on cigarettes.

- First and most prominent was “known- brand recognition”, in that “respondents immediately identified the brands they were familiar with or smoked themselves, and put more attention on these in their responses than those they were less familiar with”; and
- The second criterion (as described by respondents) was the perceived amount of ‘effort’ that had been put into the branding. That is, those sticks with more design features were more appealing and attractive⁸⁸

Recommendation 11: *The regulations should prohibit brand and variant names from appearing on sticks and to allow only alphanumeric codes to appear on sticks.*

3.12 Regulations on the design of cigars (s 38)

The Australian plain packaging regime permits cigar bands to include the name of the country in which the cigar was made or produced.⁸⁹ We recommend that Norway's regulations permit country of origin marks on cigar bands but prohibit such marks from adding qualitative statements about the product (for example, by stating "[country] premium cigars").⁹⁰

If the terms "cigar" or "cigarillo" are not already defined in the Labelling regulations, definitions of these terms should be included, to the effect that such products *are a roll of cut tobacco for smoking, enclosed in tobacco leaf or the leaf of another plant*. It is important that any product that is enclosed in paper is regulated as a cigarette so that requirements specific to cigarettes apply to such products.

Recommendation 12: *The regulations should:*

- (a) prohibit country of origin marks from describing tobacco products or components of products; and*
- (b) define "cigar" and "cigarillo" as products enclosed by tobacco or other plant leaf (if not already so defined).*

3.13 Regulations regarding the design of snus portions (s 40)

The regulations require that the material used for wrapping individual snus portions to be white. As discussed for our recommendations on sections 17 (colour and finish for tobacco packaging) and 20 (lining), it is inconsistent that the outside of packaging look unattractive with a drab colour, while inside features can be 'white', connoting a sense that the products are 'clean' or 'pristine'. Having the inside of the packaging the same drab, unattractive colour will further reduce the appeal of the tobacco products in question.

Snus is not available in Australia so we have no specifications on portions to recommend. It may be that research is required to determine snus portions that will most effectively meet the objectives of standardised packaging.

Recommendation 13:

- (a) The regulations should require the material used for wrapping individual snus portions to be the same drab colour as external packaging.*
- (b) Consideration should be given to whether research is required to determine features of snus packaging that will most effectively meet the objectives of reducing appeal, increasing attention to health warnings and minimising risks of misleading consumers.*

3.14 Obscuring legislative requirements

The Australian plain packaging regime provides that the following features of packaging cannot be obscured:

- Health warnings
- Fire risk statements
- Trade descriptions
- Measurement marks.⁹¹

These features cannot be obscured by:

- Brand, business, company and variant names⁹²
- Adhesive labels⁹³ or
- Tabs for re-sealing (where permitted).⁹⁴

We recommend that the draft regulations provide similar prohibitions.

Recommendation 14: *The regulations should specify that mandated features (such as health warnings etc) cannot be obscured by the following pack features:*

- brand, business, company and variant names
- adhesive labels
- tabs for resealing
- barcodes
- any other relevant pack features (for example, tax stamps).

3.15 Windows

The Australian plain packaging regime prohibits retailing packaging other than plastic wrappers from having a cut out area or window that enables the contents of the packaging to be visible from outside the packaging.⁹⁵ We recommend considering whether a similarly specific provision is required for the draft regulations in order to prohibit this form of packaging.

Recommendation 15: *Consideration should be given to whether a specific provision prohibiting retailing packaging (other than plastic wrappers) from enabling the contents of packaging to be visible from the outside of the packaging.*

3.16 Origin Marks

The Australian plain packaging regime permits origin marks to assist with identifying products once they leave the manufacturers and appear in the market and to assist with identifying counterfeit products (as distinct from “country of origin” marks on cigars). Origin marks can appear as either an alphanumeric code or a covert mark that is not visible to the naked eye, only once on the packaging and (for packs and cartons) only on either the side outer surface that does not bear the health warning or the bottom outer surface of the pack or carton. Should origin marks be included in Norway’s regulations, we recommend similar positioning be mandated.

Recommendation 16: *Should origin marks/ tracing and tracking marks be permitted or required, they should be mandated to be either alphanumeric codes or covert marks that appear only once on the packaging.*

3.17 Noise and scent

The Australian plain packaging regime prohibits tobacco packaging from making a noise, or containing or producing a scent, that could be taken to constitute tobacco advertising and promotion.⁹⁶ This is an important provision for shutting down potential innovations in pack promotion which we recommend be included in Norway’s plain packing regime.

Recommendation 17: *The regulations should prohibit tobacco packaging features from making a noise or containing or producing a scent that could be taken to constitute a tobacco advertisement.*

APPENDIX - Plain Packaging studies post implementation in Australia

Extracts from published documents

[References omitted]

1. Tobacco plain packaging improves retail transaction times: first real-life data from Australia repudiating tobacco retailer scaremongering.

Published 19 February 2013 – British Medical Journal

<http://www.bmj.com/content/346/bmj.f1063>

Owen Carter, Matthew Welch, Brennen Mills, Tina Phan and Paul Chang.

On 1 December, 2012, Australia aimed to reduce the appeal of cigarettes by implementing mandatory, plain, generic packaging for all tobacco products.(1-2)The UK government is currently considering similar legislation but national retail groups, with generous funding from the tobacco industry, have mounted vigorous opposition campaigns, arguing generically packaged tobacco brands would be virtually indistinguishable on shelves, thereby increasing selection times and errors for tobacco transactions, leading to lost revenue and customers, and ultimately to store closures.(3) Two industry-funded, non-peer-reviewed studies predict transaction times will increase by 15–45 seconds and selection errors by 5–25%,(3-4) costing the sector around £37m each year.(5) In contrast, a scientific, peer-reviewed study simulating 5,200 tobacco transactions suggests selection times are actually quicker for generic than coloured packs (2•92 vs. 3•17 seconds, $p<.05$) and result in fewer selection errors (0•4% vs. 1•5%, $p<.05$) due to consistent labelling.(6) The industry dismisses this study as having ‘significant methodological shortcomings’ for failing to use experienced retail staff or account for distractions in the real retail environment.(7)

To determine the actual impact of plain packaging on transaction times in Australia, one month before and after 1 December 2012 we timed tobacco transactions at 100 convenience stores, newsagents, petrol stations and supermarkets from 16 suburbs of Perth, Australia. Researchers entered stores and asked for a pre-determined brand of cigarettes from a randomly ordered list of the 17 most popular tobacco brands in Australia.(8) Stopwatches concealed in pockets measured time from request to retailers either electronically scanning or placing requested cigarettes on counter. Researchers then apologised for forgetting their wallets, left stores and noted selection errors. Between October 2012 and January 2013 more tobacco retailers decreased than increased selection times (Wilcoxon Signed Ranks Test: $n=61$ vs. 39, $z=-2•522$, $p<.05$) with average selection times decreasing significantly from 8•94 seconds (95% CI 7•63–10•25) to 7•39 seconds (95% CI 6•38–8•40) (one-tailed paired-samples t-test: $t(99)=1•964$ $p<.05$). Selection errors also decreased from 3% to 2% ($p=NS$).

These real-life data confirm that generic tobacco packaging actually provides modest gains in retailer efficiency consistent with previous peer-reviewed data, completely contradicting self-interested, tobacco-industry-funded, non-peer-reviewed research. In the face of such evidence, national trade associations in the UK should urgently withdraw their objections to the tobacco plain packaging legislation currently being considered by the UK government—if they sincerely represent the best interests of their members and support the future health of British citizens.

2. *Product retrieval time in small tobacco retail outlets before and after the Australian plain packaging policy: real-world study*

First published online 27 May 2013 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/23/1/70.abstract?sid=a9f20a8b-d9ab-4563-b580-5d63e2d63c23>

Melanie Wakefield, Megan Bayly, Michelle Scollo

Abstract

Objective: We aimed to assess change in cigarette pack retrieval time in small retail outlets following the introduction of plain packaging in Australia in 1 December 2012.

Methods: A sample of 303 milk bars, convenience stores, petrol stations and newsagents was selected in four capital cities, stratified by area socioeconomic status. In June and September (baseline months), the first 2 weeks of December 2012, and February 2013, stores were visited by trained fieldworkers who requested a cigarette pack of a pre-determined brand, variant and pack size, unobtrusively recording the time from the end of the request to when the pack was scanned or placed on the counter.

Results: In multivariate analysis, December retrieval time (12.43 s) did not differ from June (10.91 s; $p=0.410$) or February (10.37 s; $p=0.382$), but was slower than September (9.84 s; $p=0.024$). In December, retrieval time declined as days after plain packaging implementation increased ($\beta=-0.21$, $p=0.011$), returning to the baseline range by the second week of implementation. This pattern was not observed in baseline months or in February. Sensitivity analyses showed that results were robust to the variability in purchasing circumstances in tobacco retail outlets.

Conclusions: Retailers quickly gained experience with the new plain packaging legislation, evidenced by retrieval time having returned to the baseline range by the second week of implementation and remaining so several months later. The long retrieval times predicted by tobacco industry-funded retailer groups and the consequent costs they predicted would fall upon small retailers from plain packaging are unlikely to eventuate.

3. Introduction effects of Australian plain packaging policy on adult smokers: a cross sectional study

Published online 22 July 2013 – BMJ Open Journal

<http://bmjopen.bmj.com/content/3/7/e003175.full>

Melanie A Wakefield, Linda Hayes, Sarah Durkin, Ron Borland

Abstract

Objective: To determine whether smokers smoking from packs required under Australia's plain packaging law had different smoking beliefs and quitting thoughts, compared with those still smoking from branded packs.

Design: Cross-sectional survey during the roll-out phase of the law, analysed by timing of survey.

Setting: Australian state of Victoria, November 2012.

Participants: 536 cigarette smokers with a usual brand, of whom 72.3% were smoking from a plain pack and 27.7% were smoking from a branded pack.

Primary outcome measures: Perceived quality and satisfaction of cigarettes compared with 1 year ago, frequency of thoughts of smoking harm, perceived exaggeration of harms, frequency of thoughts of quitting, quitting priority in life, intention to quit, approval of large graphic health warnings and plain packaging.

Results: Compared with branded pack smokers, those smoking from plain packs perceived their cigarettes to be lower in quality (adjusted OR (AdjOR)=1.66, p=0.045), tended to perceive their cigarettes as less satisfying than a year ago (AdjOR=1.70, p=0.052), were more likely to have thought about quitting at least once a day in the past week (AdjOR=1.81, p=0.013) and to rate quitting as a higher priority in their lives (F=13.11, df=1, p<0.001). Plain pack smokers were more likely to support the policy than branded pack smokers (AdjOR=1.51, p=0.049). Branded and plain pack smokers did not differ on measures of less immediate smoking intentions, frequency of thoughts about harms or perceived exaggeration of harms. Appeal outcomes, but not other outcomes, were sensitive to the extent of roll-out, with responses from branded pack smokers approaching those of plain pack smokers, once 80% of survey respondents were smoking from plain packs 1–2 weeks before the December implementation date.

Conclusions: The early indication is that plain packaging is associated with lower smoking appeal, more support for the policy and more urgency to quit among adult smokers.

4. Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis

First published online 13 January 2014 – The Medical Journal of Australia (MJA)

<https://www.mja.com.au/journal/2014/200/1/association-between-tobacco-plain-packaging-and-quitline-calls-population-based>

Jane M Young, Ingrid Stacey, Timothy A Dobbins, Sally Dunlop, Anita L Dessaix and David C Currow

Abstract

Objectives: To investigate whether the introduction of tobacco plain packaging in Australia from 1 October 2012 was associated with a change in the number of calls to the smoking cessation helpline, Quitline, and to compare this with the impact of the introduction of graphic health warnings from 1 March 2006.

Design and setting: Whole-of-population interrupted time-series analysis in New South Wales and the Australian Capital Territory between 1 March 2005 and October 2006 for the comparator, graphic health warnings, and October 2011 and April 2013 for the intervention of interest, tobacco plain packaging.

Main outcome measure: Weekly number of calls to the Quitline, after adjusting for seasonal trends, anti-tobacco advertising, cigarette costliness and the number of smokers in the community.

Results: There was a 78% increase in the number of calls to the Quitline associated with the introduction of plain packaging (baseline, 363/week; peak, 651/week [95% CI, 523–780/week; $P < 0.001$]). This peak occurred 4 weeks after the initial appearance of plain packaging and has been prolonged. The 2006 introduction of graphic health warnings had the same relative increase in calls (84%; baseline, 910/week; peak, 1673/week [95% CI, 1383–1963/week; $P < 0.001$]) but the impact of plain packaging has continued for longer.

Conclusions: There has been a sustained increase in calls to the Quitline after the introduction of tobacco plain packaging. This increase is not attributable to anti-tobacco advertising activity, cigarette price increases nor other identifiable causes. This is an important incremental step in comprehensive tobacco control.

5. Socioeconomically disadvantaged smokers' ratings of plain and branded cigarette packaging: an experimental study

Published 6 February 2014 – BMJ Open

<http://bmjopen.bmj.com/content/4/2/e004078.full>

Ashleigh Guillaumier, Billie Bonevski, Chris Paul, Sarah Durkin, Catherine D'Este

Abstract

Objectives: This study aimed to test the potential impact of plain packaging for cigarettes on brand appeal among highly socioeconomically disadvantaged smokers using the new design for cigarettes implemented in Australia, which combines plain packaging with larger health warning labels.

Design: A 2×2 factorial design trial embedded within a cross-sectional computer touchscreen survey. Data were collected between March and December 2012. Setting: Socially disadvantaged welfare aid recipients were recruited through a large Social and Community Service Organisation in New South Wales, Australia.

Participants: N=354 smokers. The majority of the sample had not completed high school (64%), earned less than \$A300/week (55%) and received their income from Government payments (95%).

Interventions: Participants were randomised to one of the four different pack conditions determined by brand name: Winfield versus Benson & Hedges, and packaging type: branded versus plain. Participants were required to rate their assigned pack on measures of brand appeal and purchase intentions.

Results: Plain packaging was associated with significantly reduced smoker ratings of 'positive pack characteristics' ($p < 0.001$), 'positive smoker characteristics' ($p = 0.003$) and 'positive taste characteristics' ($p = 0.033$) in the Winfield brand name condition only. Across the four pack conditions, no main differences were found for 'negative smoker characteristics' ($p = 0.427$) or 'negative harm characteristics' ($p = 0.411$). In comparison to plain packaging, the presentation of branded packaging was associated with higher odds of smokers' purchase intentions (OR=2.18, 95% CI 1.34 to 3.54; $p = 0.002$).

Conclusions: Plain packs stripped of branding elements, featuring larger health warning labels, were associated with reduced positive cigarette brand image and purchase intentions among highly socioeconomically disadvantaged smokers.

6. *Personal tobacco pack display before and after the introduction of plain packaging with larger pictorial health warnings in Australia: an observational study of outdoor café strips*

First published online 25 February 2014 – Addiction

<http://onlinelibrary.wiley.com/doi/10.1111/add.12466/abstract>

Meghan Zacher, Megan Bayly, Emily Brennan, Joanne Dono, Caroline Miller, Sarah Durkin, Michelle Scollo and Melanie Wakefield,

Aims: We tested whether prevalence of cigarette pack display and smoking at outdoor venues and pack orientation changed following the introduction of plain packaging and larger pictorial health warnings in Australia.

Methods: Between October and April 2011–12 (pre-plain packaging, pre-PP) and 2012–13 (post-plain packaging, post-PP), we counted patrons, smokers and tobacco packs at cafés, restaurants and bars with outdoor seating. Pack type (fully branded, plain or unknown) and orientation were noted. Rates of pack display, smoking and pack orientation were analysed using multi-level Poisson regression.

Results: Pack display declined by 15% [adjusted incident rate ratio (IRR) = 0.85, 95% confidence interval (CI) = 0.79–0.91, $P < 0.001$], driven by a 23% decline in active smoking (IRR = 0.77, 95% CI = 0.71–0.84, $P < 0.001$) between phases. The decline in pack display coincided with the full implementation of plain packaging from December 2012, was stronger in venues with children present and was limited to mid and high socio-economic status (SES) areas. The proportion of packs orientated face-up declined from 85.4% of fully branded packs pre-PP to 73.6% of plain packs post-PP (IRR = 0.87, 95% CI = 0.79–0.95, $P = 0.002$). Alternatively, the proportions concealed by telephones, wallets or other items (4.4% of fully branded packs pre-PP and 9.5% of plain packs post-PP; IRR = 2.33, 95% CI = 1.72–3.17, $P < 0.001$) and in an external case (1.5–3.5% of all packs; IRR = 2.79, 95% CI = 1.77–4.40, $P < 0.001$) increased. Low SES areas evidenced the greatest increase in pack concealment and the greatest decline in face-up pack orientation.

Conclusions: Following Australia's 2012 policy of plain packaging and larger pictorial health warnings on cigarette and tobacco packs, smoking in outdoor areas of cafés, restaurants and bars and personal pack display (packs clearly visible on tables) declined. Further, a small proportion of smokers took steps to conceal packs that would otherwise be visible. Both are promising outcomes to minimize exposure to tobacco promotion.

7. Availability of illicit tobacco in small retail outlets before and after the implementation of Australian plain packaging legislation

First published online 10 April 2014 – Tobacco Control

http://tobaccocontrol.bmj.com/content/early/2014/04/10/tobaccocontrol-2013-051353.short?g=w_tobaccocontrol_ahead_tab

Michelle Scollo, Megan Bayly, Melanie Wakefield

Abstract

Objective: We aimed to assess change in the availability of illicit tobacco in small mixed business retail outlets following the December 2012 introduction of plain packaging in Australia.

Methods: 303 small retail outlets were visited in June and September 2012 (baseline months), and in December 2012 and February, April and July 2013. Fieldworkers requested a particular low-cost brand of cigarettes and then pressed the retailer for an 'even cheaper' brand. The cheapest pack of cigarettes offered was purchased and later examined to assess any divergence from prescribed Australian packaging regulations. The price paid was compared with tax liability and recommended retail price for the particular brand and pack size. In a sub-set of 179 stores, fieldworkers then asked the retailer about availability of unbranded (chop-chop) tobacco.

Results: Thirteen (2.2%) of 598 packs purchased pre-plain packaging were either non-compliant with Australian health warnings and/or suspiciously priced. Four packs (1.3%) of 297 met either or both criteria in the December implementation month, and five (0.6%) of 878 did so in the three collection months following implementation. Chop-chop was offered upon enquiry on 0.6% (n=2) of 338 occasions prior to implementation, 0.6% (n=1) of 170 occasions in the December 2012 implementation month, and 0.6% (n=3) of 514 occasions post implementation. The likelihood of a 'positive' response (either an offer to sell or information about where unbranded tobacco may be purchased) did not differ across pre implementation, during-implementation and post implementation waves.

Conclusions: Overall, packs judged likely to be illicit were sold in response to requests for cheapest available packs on fewer than one per cent of occasions. Offers to sell unbranded tobacco were rare. No change in availability of illicit tobacco was observed following implementation of plain packaging.

8. Tobacco product developments coinciding with the implementation of plain packaging in Australia

First published online 30 April 2014 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/early/2014/04/30/tobaccocontrol-2013-051509.full>

Michelle Scollo, Jessica Occleston, Megan Bayly, Kylie Lindorff, Melanie Wakefield

As part of our routine surveillance activities, we monitor offerings of factory-made cigarettes of all three major manufacturing companies in Australia—British American Tobacco Australia (BATA), Philip Morris (PM), and Imperial Tobacco Australia (ITA). We examine available trade magazines and undertake monthly checks of products available on-line and in-store. Periodically, we also receive promotional flyers that have been distributed by the manufacturing companies to retailers. From these sources we report five major trends in the factory-made cigarette market in Australia that we discerned in the 12 months leading up to, and following, the implementation of plain packaging: (1) reassurance of product quality to smokers; (2) shift of promotional attention to brand and variant names; (3) renewed emphasis on value for money; (4) introduction of novel products and (5) rationalisation of product offerings. Examples of each of these trends are described below using complementary photographic material.

Trend 1. Reassurance of smokers about product quality

Trend 1.1. Written guarantees of continuing quality

Trend 1.2. Graphic suggestion of continuing product quality

Trend 1.3. Production of covers

Trend 2. Shift to promotion through greater attention to the names of brands, brand extensions and variants

Trend 2.1. Colour connotations achieved with packaging continued through incorporation into the brand variant name

Trend 2.2. More evocative names

Trend 2.3. Displacement of brown pack space with lettering

Trend 3. Renewed emphasis on value for money

Trend 3.1. Introduction of menthol varieties in 'value' brands

Trend 3.2. New super-value packs

Trend 3.3. Extra length cigarettes

Trend 3.4. Packs with 'extra' cigarettes

Trend 4. Introduction of novel cigarette types

Trend 4.1 Menthol hybrids

Trend 4.2. Mint leaf 'fusions'

Trend 5. Rationalisation of product offerings

Conclusions: During the months leading up to plain packaging, all three major Australian tobacco manufacturers engaged in strategies of reassuring customers, re-energising the names of brands, and expanding product ranges to provide extra value for money and retain consumer interest. Some of these trends are not unique to Australia, and may have occurred regardless of plain packaging. For instance, bonus cigarettes in packs have been observed in the UK, a country that, like Australia, levies high taxes on tobacco products. Menthol hybrids have emerged in many other markets since 2010. Menthol loading is also a feature now evident in many international markets. The re-engineering of pack design and printing required leading up to 1 December 2012, likely exerted a concertina effect, with manufacturers taking advantage of the last few months of unregulated pack design to accelerate the introduction of such products into the Australian market. Several of the increases in cigarette numbers in packs were introduced coinciding with required changes necessary to comply with the legislation. Changing pack design once would be less costly for companies than changing once to standardise packaging and then again later to add bonus cigarettes.

These observations from Australia may be instructive for other countries contemplating legislation standardising the packaging of tobacco products. Officials in other countries contemplating standardised packaging should be aware of possible industry activity between legislation being proposed, passed and implemented, and consider taking steps to limit those that are likely to be damaging to consumers. Though their use in Australia turned out to be relatively limited and short-lived the production and sale of branded tins and plastic sheafs in the months leading up to implementation—covers that would still be able to be used by consumers after standardised packaging became mandatory—is something that could be specifically banned. Several elements of legislation standardising packaging could be strengthened. A minimum circumference and length for cigarettes would put an end to ‘slim’ cigarettes which hold considerable appeal to female smokers. Consideration might be given to specifying a standard number of cigarettes in each pack, to limiting the length (number of letters) of brand and brand variant names, and to prohibiting the use of brand variant names suggesting reduced harm, enjoyment, social or sexual success. Beyond restrictions on packaging and labelling (including naming), price-related promotions (including the provision of bonus sticks) should be banned and products should be much more tightly regulated to ban flavourings such as menthol.

9. No lasting effects of plain packaging on cigarette pack retrieval time in small Australian retail outlets

First Published Online 30 May 2014 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/early/2014/05/30/tobaccocontrol-2014-051683.full>

Megan Bayly, Michelle Scollo, Melanie Wakefield

One of the many claims made by the tobacco industry against Australia's plain packaging legislation was that plain standardised packaging would make it harder for retailers to locate and retrieve packs for customers. The industry argued this would lead to substantially longer transaction times, customer frustration, security issues and, ultimately, loss of trade from smaller convenience to larger discount outlets.

A real-world study of a panel of small retail outlets by our group aimed to investigate this claim. We found only a small, temporary increase in cigarette pack retrieval times immediately following plain packaging implementation on 1 December 2012. By the second week of December 2012, pack retrieval times had returned to levels that were no different to baseline months, as was the case for February 2013.

The pack retrieval protocol was repeated a further two times several months post-implementation in the same panel of stores, as part of a larger tobacco retail monitoring study. The panel of stores was comprised of 303 milk bars, convenience stores, petrol stations and newsagent/lottery outlets in the major Australian cities of Melbourne, Sydney, Adelaide and Perth. Due to store closures, stores out of stock of the requested pack, or other extraneous interference—such as use of automatic dispensers to locate the pack or interruptions while the retailer was retrieving the pack—pack retrieval recordings were completed in 207 stores in both April and July 2013. Over the six data collection periods from June 2012 to July 2013, pack retrievals were recorded 1265 times in total. Pack retrieval was measured by discreetly recording the time taken from the end of the fieldworker's pack request to when the retrieved pack was placed on the counter or its barcode was scanned, whichever was first.

Average pack retrieval times were calculated adjusting for city, area socio-economic status, and store type. Retrieval times were similar in April 2013 (9.66 s; 95% CI 8.61 to 10.71) and July 2013 (9.27 s; 95% CI 8.34 to 10.20), and were both significantly lower than December 2012 (12.43 s, 95% CI 10.84 to 14.01; April 2013: $p=0.039$; July 2013: $p=0.013$). When aggregated into baseline (June and September 2012; $n=471$), implementation (December 2012; $n=182$) and post-implementation (February, April and July 2013; $n=612$) periods, pack retrieval during implementation (December 2012) was significantly higher than at baseline (10.34 s; 95% CI 9.66 to 11.02; $p=0.013$) and post-implementation (9.76 s; 95% CI 9.15 to 10.37; $p=0.002$), while baseline and post-implementation waves were no different.

These results strengthen findings that plain packaging did not result in substantial delays to consumers at the point of sale in the real world. Retailers quickly adapted to the new packaging, and the brief increase in pack retrieval time that occurred immediately after plain packaging implementation did not persist. Pack retrieval times in 2013, well after plain packaging implementation, were no different to those observed in a fully branded packaging environment.

10. Availability of chop-chop in Victorian tobacconists following introduction of plain packaging

First published online 3 June 2014 – Australia and New Zealand Journal of Public Health (ANZJPH)

<http://onlinelibrary.wiley.com/doi/10.1111/1753-6405.12226/abstract>

Michelle Scollo, Megan Bayly, Melanie Wakefield

Unbranded tobacco (either loose or pre-rolled into cigarettes) is commonly known in Australia as chop-chop. Questions about use of chop-chop were included in the last three National Drug Strategy Household Surveys. Survey reports show that, of respondents aged 14 and older who had smoked in the past 12 months, 6.1% reported any current use of unbranded tobacco in 2007² and 4.9% reported current use in 2010.³ In 2010, 1.5% of smokers reported that they used unbranded tobacco “half the time or more”.

About 60% of Australian smokers routinely buy tobacco products from supermarkets, about 20% from milk bars, newsagents and convenience stores, and 15% from tobacconists. Others buy from vending machines, bars or other retail outlets. This is in addition to small numbers of duty-free and internet purchases (personal communication, T Partos, ITC study, Cancer Council Victoria, 2013). Reports by Deloitte consulting company for Australian tobacco companies¹ indicate that tobacconists are the most common source of supply of unbranded tobacco, making up about 50% of purchases in 2010 and 35% in 2011.

Retail audits provide a means to complement data from consumer surveys on availability of illicit tobacco over time in Australia. A study by our group found very low levels of availability of unbranded tobacco in small (mixed business) retailers throughout Australia, with no indication of any increase in the eight months after the introduction of plain packaging. The aim of the present study was to assess the availability of illicit tobacco from specialist tobacconists in Melbourne, Victoria, following the introduction of plain packaging legislation.

Fifty-four tobacconists from 16 postcodes in metropolitan Melbourne, stratified by socioeconomic status, were selected from within areas sampled for a national tobacco retail monitoring study. All potentially eligible tobacconists were sampled, defined as those that had ‘tobacconist’, ‘tobacco’, or ‘cigarettes’ in their store name or signage, or were branded as a chain tobacconist.

All 54 stores were open and sampled in each month of the study (February, April and July 2013), yielding 162 enquiries. A trained fieldworker entered each store and, after asking for a cheap pack of cigarettes, went on to enquire about local availability of unbranded tobacco, making sure to always use the words ‘chop-chop’ in their request. If offered chop-chop, the fieldworker declined to purchase it. The response of the retailer was noted after leaving the store.

Two-thirds of tobacconists indicated that they did not know what chop-chop was, and a further 15% confused it with roll-your-own tobacco. Retailers offered to sell unbranded tobacco on just five (3%) of 162 occasions throughout the three collection months. They provided specific information as to where unbranded tobacco could be found on five occasions (3%) and vague information on a further 10 occasions (6%).

One study limitation was that tobacconists may only be willing to sell illicit tobacco to customers known to them. Five retailers (9%) became suspicious of the fieldworker during the February collection period (which coincided with a time when government inspectors were actively monitoring the implementation of plain packaging legislation). Only three of the 54 retailers were suspicious about the enquiry in April and only two in July. This suggests that the mystery shopper protocol was credible and did not arouse suspicion in most instances. Fines for selling tobacco in packaging non-compliant with new Australian plain packaging legislation⁷ are up to \$340,000. Whether such a fine reduces the number of retailers selling illicit tobacco, or simply makes such retailers more cautious about whom they sell it to, the net result is likely to be lower availability to ordinary consumers.

While it is likely that particular tobacconists as well as informal sellers are known by chop chop users to be a source of supply, this study and our companion national study⁴ were designed to assess availability for ordinary customers of the retail outlets included in the audits. Results complement information from population surveys which indicate very low incidence of Victorian smokers purchasing such tobacco. We conclude that the availability of unbranded tobacco from tobacconists in Melbourne appears to be low and shows no signs of increasing in the months following the introduction of plain packaging legislation in Australia.

11. Australian smokers' support for plain or standardised packs before and after implementation: findings from the ITC Four Country Survey

Published Online First 10 November 2014 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/early/2014/10/27/tobaccocontrol-2014-051880.full>

Elena Swift, Ron Borland, K Michael Cummings, Geoffrey T Fong, Ann McNeill, David Hammond, James F Thrasher, Timea R Partos, Hua-Hie Yong

Abstract

Background: Plain packaging (PP) for tobacco products was fully implemented in Australia on 1 December 2012 along with larger graphic health warnings. Using longitudinal data from the Australian arm of the ITC Four Country Survey, we examined attitudes to the new packs before and after implementation, predictors of attitudinal change, and the relationship between support and quitting activity.

Methods: A population-based cohort study design, with some cross-sectional analyses. Surveys of Australian smokers assessed attitudes to PP at four time points prior to implementation (from 2007 to 2012) and one post-implementation wave collected (early/mid-2013).

Results: Trend analysis showed a slight rise in opposition to PP among smokers in the waves leading up to their implementation, but no change in support. Support for PP increased significantly after implementation (28.2% pre vs 49% post), such that post-PP more smokers were supportive than opposed (49% vs 34.7%). Multivariate analysis showed support either before or after implementation was predicted by belief in greater adverse health impacts of smoking, desire to quit and lower addiction. Among those not supportive before implementation, having no clear opinion about PP (versus being opposed) prior to the changes also predicted support post-implementation. Support for PP was prospectively associated with higher levels of quitting activity.

Conclusions: Since implementation of PP along with larger warnings, support among Australian smokers has increased. Support is related to lower addiction, stronger beliefs in the negative health impacts of smoking, and higher levels of quitting activity.

12. Early evidence about the predicted unintended consequences of standardised packaging of tobacco products in Australia: a cross-sectional study of the place of purchase, regular brands and use of illicit tobacco

Published 18 July 2014 – BMJ Open

<http://bmjopen.bmj.com/content/4/8/e005873.full>

Michelle Scollo, Meghan Zacher, Sarah Durkin, Melanie Wakefield

Abstract

Objectives: To test for early evidence whether, following the standardisation of tobacco packaging, smokers in Australia were—as predicted by the tobacco industry—less likely to purchase from small mixed business retailers, more likely to purchase cheap brands imported from Asia and more likely to use illicit tobacco.

Design: Serial cross-sectional population telephone surveys in November 2011 (a year prior to implementation), 2012 (during roll-out) and 2013 (a year after implementation).

Setting/participants: Smokers aged 18 years and over identified in an annual population survey in the Australian state of Victoria (2011: n=754; 2012: n=590; 2013: n=601).

Main outcome measures: Changes between 2011 and 2013 in: proportions of current smokers who purchased their last cigarette from discount outlets such as supermarkets compared with small mixed business retail outlets; prevalence of regular use of low-cost brands imported from Asia and use of unbranded tobacco.

Results: The proportion of smokers purchasing from supermarkets did not increase between 2011 (65.4%) and 2013 (65.7%; $p=0.98$), and the percentage purchasing from small mixed business outlets did not decline (2011: 9.2%; 2012: 11.2%; $p=0.32$). The prevalence of low-cost Asian brands was low and did not increase between 2011 (1.1%) and 2013 (0.9%; $p=0.98$). The proportion reporting current use of unbranded illicit tobacco was 2.3% in 2011 and 1.9% in 2013 ($p=0.46$). In 2013, 2.6% of cigarette smokers reported having purchased one or more packets of cigarettes in non-compliant packaging in the past 3 months; 1.7% had purchased one or more packets from an informal seller in the past year.

Conclusions: One year after implementation, this study found no evidence of the major unintended consequences concerning loss of smoker patrons from small retail outlets, flooding of the market by cheap Asian brands and use of illicit tobacco predicted by opponents of plain packaging in Australia.

13. Standardized Packaging for Tobacco Products. Recent evidence from Australia and United Kingdom

Published December 2014

http://www.itcproject.org/files/ITC_British_Heart_FoundationA4-v8-web-Final-18Dec2014.pdf

The ITC Project and the British Heart Foundation: Sara Hitchman, Pete Driezen, Lorraine Craig, Timea Partos, Ann McNeill, Ron Borland, and Geoffrey T. Fong and Jennifer Boon

Overview

This report is a summary of the recent evidence on the effectiveness of standardised packaging as a tobacco control strategy. The evidence includes new data from the Australia and United Kingdom International Tobacco Control Policy Evaluation Projects (the ITC Project). The ITC Project has conducted longitudinal cohort surveys of representative samples of tobacco users in 22 countries, with an emphasis on measuring the impact of tobacco control policies of the WHO Framework Convention on Tobacco Control. Findings presented here include results from the 2012 and 2013 ITC Australia Survey conducted among approximately 1,500 smokers and ex-smokers about 1 year before and 2-5 months after the implementation of standardised packs. Findings from the 2013 ITC United Kingdom Survey conducted among approximately 1,400 smokers and ex-smokers demonstrate the need for standardised packs in the UK and the potential for positive impacts. ITC Australia findings showed that support for standardised packaging among smokers and ex-smokers almost doubled (from 28% to 51%) after the policy was implemented. If the UK followed the same pattern as Australia, we could expect to see similar increases of support. The UK is also working from a higher baseline, as support among smokers and ex-smokers is currently 37% — higher than it was in Australia before standardised packs were implemented. The noticeability of the health warnings approximately doubled from 34% to 66%. The appeal of packs reduced substantially such that more than four in five Australian smokers reported not liking the look of their pack after the legislation was implemented. It is recommended that standardised packaging for tobacco products be implemented in the UK without any further delay. The evidence is clear that standardised packaging is effective and important for public health. For information on the ITC Project see www.itcproject.org.

14. *Impact of Australia's introduction of tobacco plain packs on adult smokers' pack-related perceptions and responses: results from a continuous tracking survey*

Published 18 December 2014 – BMJ Open

<http://bmjopen.bmj.com/content/4/12/e005836.full>

Sally M Dunlop, Timothy Dobbins, Jane M Young, Donna Perez, David C Currow

Abstract

Objectives: To investigate the impact of Australia's plain tobacco packaging policy on two stated purposes of the legislation—increasing the impact of health warnings and decreasing the promotional appeal of packaging—among adult smokers.

Design: Serial cross-sectional study with weekly telephone surveys (April 2006–May 2013). Interrupted time-series analyses using ARIMA modelling and linear regression models were used to investigate intervention effects.

Participants: 15 745 adult smokers (aged 18 years and above) in New South Wales (NSW), Australia. Random selection of participants involved recruiting households using random digit dialling and selecting the nth oldest smoker for interview.

Intervention: The introduction of the legislation on 1 October 2012.

Outcomes: Salience of tobacco pack health warnings, cognitive and emotional responses to warnings, avoidance of warnings, perceptions regarding one's cigarette pack.

Results: Adjusting for background trends, seasonality, antismoking advertising activity and cigarette costliness, results from ARIMA modelling showed that, 2–3 months after the introduction of the new packs, there was a significant increase in the absolute proportion of smokers having strong cognitive (9.8% increase, $p=0.005$), emotional (8.6% increase, $p=0.01$) and avoidant (9.8% increase, $p=0.0005$) responses to on-pack health warnings. Similarly, there was a significant increase in the proportion of smokers strongly disagreeing that the look of their cigarette pack is attractive (57.5% increase, $p<0.0001$), says something good about them (54.5% increase, $p<0.0001$), influences the brand they buy (40.6% increase, $p<0.0001$), makes their pack stand out (55.6% increase, $p<0.0001$), is fashionable (44.7% increase, $p<0.0001$) and matches their style (48.1% increase, $p<0.0001$). Changes in these outcomes were maintained 6 months postintervention.

Conclusions: The introductory effects of the plain packaging legislation among adult smokers are consistent with the specific objectives of the legislation in regard to reducing promotional appeal and increasing effectiveness of health warnings.

15. Smokers' reactions to the new larger health warning labels on plain cigarette packs in Australia: findings from the ITC Australia project

Published Online First 19 February 2015 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/early/2015/02/19/tobaccocontrol-2014-051979.full>

Hua-Hie Yong, Ron Borland, David Hammond, James F Thrasher, K Michael Cummings, Geoffrey T Fong

Abstract

Objectives: This study examined whether larger sized Australian cigarette health warning labels (HWLs) with plain packaging (PP) were associated with increased desirable reactions towards the HWLs postimplementation.

Methods: Data were from the International Tobacco Control (ITC) longitudinal cohort survey assessing Australian smokers one wave prior to the policy change in 2011 (n=1104) and another wave after the policy change in 2013 (n=1093). We assessed initial attentional orientation (AO) to or away from warnings, plus other reactions, including cognitive reactions towards the HWLs and quit intentions.

Results: As expected, AO towards the HWLs and reported frequency of noticing warnings increased significantly after the policy change, but not more reading. Smokers also thought more about the harms of smoking and avoided the HWLs more after the policy change, but frequency of forgoing cigarettes did not change. The subgroup that switched from initially focusing away to focusing on the HWLs following the policy change noticed and read the HWLs more, and also thought more about the harmful effects of smoking, whereas the subgroup (5.4%) that changed to focusing away from the HWLs showed opposite effects. We tested the mediational model of Yong *et al* and confirmed it for predicting quit intentions, with larger effects post-policy.

Conclusions: Increasing the size of HWLs and introducing them on PP in Australia appears to have led to an overall increase in desired levels and strength of some reactions, but evidence of reactance was among a small minority.

BMJ supplement

http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc-content-block#content-block

Special communication

16. *Death of a salesman*

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii1.full

Gerard B Hastings, Crawford Moodie

Overview

In December 2012 Australia became the first jurisdiction to mandate plain (or standardised) packaging for tobacco products. Many governments have been looking on with interest, anxious to learn if this is also the next step forward in their own efforts to tackle the harms caused by tobacco. This special issue begins to answer this question by presenting a series of studies which provide an initial evaluation of the policy. What have been the early impacts of plain packaging on young people and adult smokers? And are there any unintended consequences—has it reduced prices, for instance, or encouraged illicit tobacco use?

Plain packaging in Australia has been a casebook example of effective tobacco control—a policy measure driven by evidence, carefully designed and implemented, and now rigorously assessed. Further, it is set within the context of wider Australian tobacco control, reinforcing the most basic lesson learned over the last half century: action has to be strategic and comprehensive. There are no silver bullets. This issue demonstrates that plain packaging is beginning to deliver on its promise, and an important step forward, but it is still only part of the solution. Australia has learned and applied this lesson well and that is why it has one of the lowest smoking prevalence rates in the world.

17. Plain packaging: a logical progression for tobacco control in one of the world's 'darkest markets'

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii3.full

Michelle Scollo, Megan Bayly, Melanie Wakefield

Abstract

The Australian approach to tobacco control has been a comprehensive one, encompassing mass media campaigns, consumer information, taxation policy, access for smokers to smoking cessation advice and pharmaceutical treatments, protection from exposure to tobacco smoke and regulation of promotion. World-first legislation to standardise the packaging of tobacco was a logical next step to further reduce misleadingly reassuring promotion of a product known for the past 50 years to kill a high proportion of its long-term users. Similarly, refreshed, larger pack warnings which started appearing on packs at the end of 2012 were a logical progression of efforts to ensure that consumers are better informed about the health risks associated with smoking. Regardless of the immediate effects of legislation, further progress will continue to require a comprehensive approach to maintain momentum and ensure that government efforts on one front are not undermined by more vigorous efforts and greater investment by tobacco companies elsewhere.

18. *Standardised packaging and new enlarged graphic health warnings for tobacco products in Australia—legislative requirements and implementation of the Tobacco Plain Packaging Act 2011 and the Competition and Consumer (Tobacco) Information Standard, 2011*

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii9.full

Michelle Scollo, Kylie Lindorff, Kerri Coomber, Megan Bayly, Melanie Wakefield

Abstract

This paper describes the development, content and implementation of two pieces of Australian tobacco control legislation: one to standardise the packaging of tobacco products and the other to introduce new, enlarged graphic health warnings. It describes the process of legislative drafting, public consultation and parliamentary consideration. It summarises exactly how tobacco products have been required to look since late 2012. Finally, it describes implementation, most particularly, the extent to which packs compliant with the legislation became available to consumers over time.

Research papers

19. Australian adult smokers' responses to plain packaging with larger graphic health warnings 1 year after implementation: results from a national cross-sectional tracking survey

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii17.full

Melanie Wakefield, Kerri Coomber, Meghan Zacher, Sarah Durkin, Emily Brennan, Michelle Scollo

Abstract

Background: We assessed whether the Australian plain packs with larger graphic health warnings (GHWs) achieved three specific objectives of reducing the appeal of tobacco, increasing health warning effectiveness and reducing the ability of packaging to mislead about smoking harms.

Methods: We compared responses from continuous cross-sectional telephone surveys of n=2176 cigarette smokers during pre-plain packaging (April–September 2012, pre-PP) with n=759 surveyed in the transition period (October–November 2012) and n=4240 during the first year of implementation (December 2012–November 2013, PP year 1), using multivariate logistic regression analyses.

Results: From pre-PP to PP year 1, more smokers disliked their pack ($p<0.001$), perceived lower pack appeal ($p<0.001$), lower cigarette quality ($p<0.001$), lower satisfaction ($p<0.001$) and lower value ($p<0.001$) and disagreed brands differed in prestige ($p=0.003$). There was no change in perceived differences in taste of different brands. More smokers noticed GHWs ($p<0.001$), attributed much motivation to quit to GHWs ($p<0.001$), avoided specific GHWs when purchasing ($p<0.001$), and covered packs ($p<0.001$), with no change in perceived exaggeration of harms. PP year 1 saw an increased proportion believing that brands do not differ in harmfulness ($p=0.004$), but no change in the belief that variants do not differ in strength or the perceived harmfulness of cigarettes compared with a year ago. Interactions signified greater change for four outcomes assessing aspects of appeal among young adults and two appeal outcomes among mid-aged adults.

Conclusions: The specific objectives of plain packaging were achieved and generally sustained among adult smokers up to 12 months after implementation.

20. Short-term changes in quitting-related cognitions and behaviours after the implementation of plain packaging with larger health warnings: findings from a national cohort study with Australian adult smokers

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii26.full

Sarah Durkin, Emily Brennan, Kerri Coomber, Meghan Zacher, Michelle Scollo, Melanie Wakefield

Abstract

Background: Plain packaging (PP) with larger graphic health warnings (GHWs) was implemented in Australia in late 2012. This study examined effects of these packaging changes on short-term changes in quitting-related cognitions and behaviours.

Methods: We used a series of cohorts of Australian adult cigarette smokers originally sourced from a nationally representative cross-sectional tracking survey, followed up approximately 1 month after their baseline interview (n(weighted)=5441). Logistic regression analyses compared changes in seven quitting-related outcomes over this 1-month follow-up period for the cohorts surveyed before PP, over the period of transition to PP, and during the first year of PP, adjusting for baseline levels of the outcome and covariates.

Results: Compared to the referent group of smokers who completed their follow-up survey pre-PP, those who were followed-up in the *early transition* period showed significantly greater increases in rates of stopping themselves from smoking (OR=1.51, 95% CI (1.08 to 2.10)) and higher quit attempt rates (OR=1.43, 95% CI (1.00 to 2.03)), those followed-up in the *late transition* period showed greater increases in intentions to quit (OR=1.42, 95% CI (1.06 to 1.92)) and pack concealment (OR=1.55, 95% CI (1.05 to 2.31)), and those followed-up in the first year of PP showed higher levels of pack concealment (OR=1.65, 95% CI (1.01 to 2.72)), more premature stubbing out of cigarettes (OR=1.55, 95% CI (1.01 to 2.36)), and higher quit attempt rates (OR=1.52, 95% CI (1.01 to 2.30)).

Conclusions: These findings provide some of the strongest evidence to date that implementation of PP with larger GHWs was associated with increased rates of quitting cognitions, microindicators of concern and quit attempts among adult cigarette smokers.

21. Are quitting-related cognitions and behaviours predicted by proximal responses to plain packaging with larger health warnings? Findings from a national cohort study with Australian adult smokers

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii33.full

Emily Brennan, Sarah Durkin, Kerri Coomber, Meghan Zacher, Michelle Scollo, Melanie Wakefield

Abstract

Background: Implementation of tobacco plain packaging (PP) with larger graphic health warnings (GHWs) in Australia had positive effects on responses reflecting the specific objectives of the PP policy and on follow-up quitting-related cognitions and behaviours. The aim of this study was to examine predictive relationships between these proximal and distal outcomes.

Methods: A nationally representative sample of Australian adult cigarette smokers completed a baseline survey and a 1-month follow-up survey within the first year of policy implementation ($n(\text{weighted})=3125$). Logistic regression analyses tested whether baseline measures of cigarette appeal, GHW effectiveness, perceived harm and concern/enjoyment predicted each of seven follow-up measures of quitting-related cognitions and behaviours, adjusting for baseline levels of the outcome and covariates.

Results: In multivariable models, we found consistent evidence that several baseline measures of GHW effectiveness positively and significantly predicted the likelihood that smokers at follow-up reported thinking about quitting at least daily, intending to quit, having a firm date to quit, stubbing out cigarettes prematurely, stopping oneself from smoking and having attempted to quit. Two of the quitting-related outcomes were also predicted by feeling more smoking-related concern than enjoyment. A smaller number of the appeal variables were prospectively associated with quitting-related outcomes, while believing that brands do not differ in harmfulness did not positively predict any outcomes.

Conclusions: These findings provide an initial insight into the pathways through which PP with larger GHWs may lead to changes in smoking behaviour. Future research should examine whether the effects are conditional on individual demographic and smoking characteristics.

22. Has the introduction of plain packaging with larger graphic health warnings changed adolescents' perceptions of cigarette packs and brands?

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii42.full

Victoria White, Tahlia Williams, Melanie Wakefield

Abstract

Objective: To examine the impact of plain packaging of cigarettes with enhanced graphic health warnings on adolescents' perceptions of pack image and perceived brand differences.

Methods: Cross-sectional school-based surveys conducted in 2011 (prior to introduction of new cigarette packaging) and in 2013 (7–12 months afterwards). Students aged 12–17 years (2011 n=6338; 2013 n=5915) indicated whether they had seen a cigarette pack in previous 6 months. Students rated the character of four popular cigarette brands, indicated level of agreement regarding differences between brands in ease of smoking, quitting, addictiveness, harmfulness and look of pack; and indicated positive and negative perceptions of pack image. Changes in responses of students seeing cigarette packs in the previous 6 months (2011: 60%; 2013: 65%) were examined.

Results: Positive character ratings for each brand reduced significantly between 2011 and 2013. Changes were found for four of five statements reflecting brand differences. Significantly fewer students in 2013 than 2011 agreed that 'some brands have better looking packs than others' (2011: 43%; 2013: 25%, $p<0.001$), with larger decreases found among smokers (interaction $p<0.001$). Packs were rated less positively and more negatively in 2013 than in 2011 ($p<0.001$). The decrease in positive image ratings was greater among smokers.

Conclusions: The introduction of standardised packaging has reduced the appeal of cigarette packs. Further research could determine if continued exposure to standardised packs creates more uncertainty or disagreement regarding brand differences in ease of smoking and quitting, perceived addictiveness and harms.

23. Do larger graphic health warnings on standardised cigarette packs increase adolescents' cognitive processing of consumer health information and beliefs about smoking-related harms?

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii50.full

Victoria White, Tahlia Williams, Agatha Faulkner, Melanie Wakefield

Abstract

Objective: To examine the impact of plain packaging of cigarettes with enhanced graphic health warnings on Australian adolescents' cognitive processing of warnings and awareness of different health consequences of smoking.

Methods: Cross-sectional school-based surveys conducted in 2011 (prior to introduction of standardised packaging, n=6338) and 2013 (7–12 months afterwards, n=5915). Students indicated frequency of attending to, reading, thinking or talking about warnings. Students viewed a list of diseases or health effects and were asked to indicate whether each was caused by smoking. Two—'kidney and bladder cancer' and 'damages gums and teeth'—were new while the remainder had been promoted through previous health warnings and/or television campaigns. The 60% of students seeing a cigarette pack in previous 6 months in 2011 and 65% in 2013 form the sample for analysis. Changes in responses over time are examined.

Results: Awareness that smoking causes bladder cancer increased between 2011 and 2013 ($p=0.002$). There was high agreement with statements reflecting health effects featured in previous warnings or advertisements with little change over time. Exceptions to this were increases in the proportion agreeing that smoking was a leading cause of death ($p<0.001$) and causes blindness ($p<0.001$). The frequency of students reading, attending to, thinking or talking about the health warnings on cigarette packs did not change.

Conclusions: Acknowledgement of negative health effects of smoking among Australian adolescents remains high. Apart from increased awareness of bladder cancer, new requirements for packaging and health warnings did not increase adolescents' cognitive processing of warning information.

24. "You're made to feel like a dirty filthy smoker when you're not, cigar smoking is another thing all together." Responses of Australian cigar and cigarillo smokers to plain packaging

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii58.full

Caroline L Miller, Kerry A Ettridge, Melanie A Wakefield

Abstract

Objective: To explore experiences of cigar and cigarillo smokers under Australian laws requiring plain packaging (PP) and strengthened graphic health warnings (GHWs).

Methods: In February/March 2014, we conducted: in-depth interviews with 10 regular premium cigar smokers; two focus groups with occasional premium cigar and premium cigarillo smokers (n=14); four focus groups with non-premium cigarillo smokers (n=28); and a national online survey of cigar and/or cigarillo smokers (n=268).

Results: Premium cigar smokers had limited exposure to PP, with many purchasing fully branded cigars in boxes duty free or online and singles in non-compliant packaging. Those who were exposed noticed and were concerned by the warnings, tried to avoid them and felt more like 'dirty smokers'. Changes in perceived taste, harm and value were minimal for experienced premium cigar smokers. Occasional premium cigar and premium cigarillo smokers with higher PP exposure (gained by purchasing boxes rather than singles) perceived cigar/package appeal and value had declined and noticed the GHWs. Non-premium cigarillo smokers reported high PP exposure, reduced perceived appeal, quality, taste, enjoyment and value, somewhat increased perceived harm, greater noticeability of GHWs and concealment of packs and more contemplation of quitting. Online survey participants reported increased noticeability of GHWs (33%), decreased appeal of packaging (53%) and reduced consumption of cigars (42%) and cigarillos (44%) since PP implementation.

Conclusions: Non-premium cigarillo smokers appear to have been most exposed and influenced by PP, with cigar smokers less so, especially regular premium cigar smokers who have maintained access to fully branded products.

25. Changes in use of types of tobacco products by pack sizes and price segments, prices paid and consumption following the introduction of plain packaging in Australia

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii66.full

Michelle Scollo, Meghan Zacher, Kerri Coomber, Megan Bayly, Melanie Wakefield

Abstract

Objectives: To describe changes among smokers in use of various types of tobacco products, reported prices paid and cigarette consumption following the standardisation of tobacco packaging in Australia.

Methods: National cross-sectional telephone surveys of adult smokers were conducted from April 2012 (6 months before transition to plain packaging (PP)) to March 2014 (15 months afterwards). Multivariable logistic regression assessed changes in products, brands and pack types/sizes; multivariable linear regression examined changes in inflation-adjusted prices paid and reported cigarette consumption between the pre-PP and three subsequent periods—the transition phase, PP year 1 and PP post-tax (post a 12.5% tax increase in December 2013).

Results: The proportion of current smokers using roll-your-own (RYO) products fluctuated over the study period. Proportions using value brands of factory-made (FM) cigarettes increased from pre-PP (21.4%) to PP year 1 (25.5%; $p=0.002$) and PP post-tax (27.8%; $p<0.001$). Inflation-adjusted prices paid increased in the PP year 1 and PP post-tax phases; the largest increases were among premium FM brands, the smallest among value brands. Consumption did not change in PP year 1 among daily, regular or current smokers or among smokers of brands in any market segment. Consumption among regular smokers declined significantly in PP post-tax (mean=14.0, SE=0.33) compared to PP year 1 (mean=14.8, SE=0.17; $p=0.037$).

Conclusions: Introduction of PP was associated with an increase in use of value brands, likely due to increased numbers available and smaller increases in prices for value relative to premium brands. Reported consumption declined following the December 2013 tax increase.

26. Use of illicit tobacco following introduction of standardised packaging of tobacco products in Australia: results from a national cross-sectional survey

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii76.full

Michelle Scollo, Meghan Zacher, Kerri Coomber, Melanie Wakefield

Abstract

Objectives: To assess whether following standardisation of tobacco packaging in Australia, smokers were, as predicted by the tobacco industry, more likely to use illicit tobacco.

Methods: National cross-sectional telephone surveys conducted continuously from April 2012 (6 months before implementation of plain packaging (PP)) to March 2014 (15 months after) using responses from current cigarette smokers (n=8679). Changes between pre-PP, the transition to PP and PP phase were examined using logistic regression models.

Results: Among those whose factory-made cigarettes were purchased in Australia, compared with pre-PP, there were no significant increases in the PP phase in use of: 'cheap whites' (<0.1%; OR=0.24, 95% CI 0.04 to 1.56, p=0.134); international brands purchased for 20% or more below the recommended retail price (0.2%; OR=3.49, 95% CI 0.66 to 18.35, p=0.140); or packs purchased from informal sellers (<0.1%; OR=0.24, 95% CI 0.04 to 1.47, p=0.124). The prevalence of any use of unbranded illicit tobacco remained at about 3% (adjusted OR=0.79, 95% CI 0.58 to 1.08, p=0.141).

Conclusions: While unable to quantify the total extent of use of illicit manufactured cigarettes, in this large national survey we found no evidence in Australia of increased use of two categories of manufactured cigarettes likely to be contraband, no increase in purchase from informal sellers and no increased use of unbranded illicit 'chop-chop' tobacco.

27. *The advertised price of cigarette packs in retail outlets across Australia before and after the implementation of plain packaging: a repeated measures observational study*

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii82.full

Michelle Scollo, Megan Bayly, Melanie Wakefield

Abstract

Objective: This study monitored the advertised price of the most prominently promoted and the cheapest single packs of cigarettes in Australian retail outlets before and after the implementation of plain packaging.

Methods: A panel of 421 outlets in four large Australian cities was visited monthly from May 2012 to August 2013 and the brand, pack size and price of the most-prominently listed and lowest-priced single cigarette pack were recorded from each store's tobacco price board. Changes in the inflation-adjusted stick price were examined using linear mixed models, controlling for fixed effects of city, store type, area socioeconomic status and random effects of time. The adjusted stick price was also examined over time by tobacco manufacturer and pack size.

Results: The inflation-adjusted stick price of the most-prominently advertised single packs was significantly higher than in May–July 2012 from August–October 2012 for mainstream and premium brands and from February–April 2013 for value brands. Adjusted average stick prices of lowest-priced packs in August 2013 were \$0.02 (95% CI \$0.02 to \$0.03, $p < 0.001$) higher than in May–July 2012 (\$Aug13). A large real increase in stick price was seen in February–April 2013 across all major manufacturers, market segments and pack size categories.

Discussion: The price of cigarettes most prominently promoted on price boards did not decrease in the months following implementation of Australia's plain packaging legislation. Retail prices continued to increase above the level resulting from automatic indexation of excise/customs duty even at the lowest-priced end of the Australian market.

Brief reports

28. *Did the recommended retail price of tobacco products fall in Australia following the implementation of plain packaging?*

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii90.full

Michelle Scollo, Megan Bayly, Melanie Wakefield

Abstract

Objectives: This study aimed to assess the extent of any fall in recommended retail prices (RRPs) of tobacco products sold in Australia following the 2012 implementation of plain packaging.

Methods: RRPs published in price lists by the New South Wales Retail Tobacco Traders Association covering the months of November 2011, November 2012 and November 2013 were recorded for all listed brands and pack sizes. Average prices per stick were computed in 2013 dollars for cigarette brands in each of 10 possible pack sizes, for each major tobacco manufacturer, and across market segments. Average prices per gram in Australian dollars adjusted to 2013 prices (AUD2013) were calculated for roll-your-own (RYO) tobacco brands for each major manufacturer.

Results: Inflation-adjusted average RRPs per stick in November 2013 were on average 6.4% higher than in November 2011 and 3.4% higher than in November 2012. The average RRP per gram of RYO products in November 2013 was 10.2% and 5.4% higher than in November 2011 and November 2012, respectively. Within cigarette brands, the highest increases in RRP from 2011 to 2013 were seen among mainstream and premium brands (10.0% and 10.1%, respectively) and among packs of 30s (18.3%) and 50s (12.5%).

Conclusions: The RRPs of tobacco products were higher in real terms 1 year after Australia's plain packaging legislation was implemented. These increases exceeded increases resulting from Consumer Price Index (CPI) indexation of duty and occurred across all three major manufacturers for both factory made and RYO brands, all three cigarette market segments and all major pack sizes.

29. Personal pack display and active smoking at outdoor café strips: assessing the impact of plain packaging 1 year postimplementation

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii94.full

Meghan Zacher, Megan Bayly, Emily Brennan, Joanne Dono, Caroline Miller, Sarah Durkin, Michelle Scollo, Melanie Wakefield

Abstract

Aims: We observed tobacco pack display and smoking at outdoor venues over three summers to assess changes in their prevalence following Australia's introduction of plain tobacco packaging with larger pictorial health warnings.

Methods: Between January and April 2012 (preplain packaging (PP)), 2013 (early post-PP) and 2014 (1 year post-PP), we counted patrons, smokers and tobacco packs at cafés, restaurants and bars with outdoor seating. Pack type (branded, plain or unknown) and orientation were noted. Rates of active smoking, pack display and pack orientation were analysed using multilevel Poisson regression.

Results: Prevalence of pack display among patrons declined from pre-PP (1 pack per 8.7 patrons) to early post-PP (1 pack per 10.4), and remained low 1 year post-PP (1 pack per 10.3). This appeared to be driven by a sustained decline in active smoking post-PP (pre-PP: 8.4% of patrons were smoking; early post-PP: 6.4%; 1 year post-PP: 6.8%). Notably, active smoking declined more in venues with children present than in those without. While early post-PP, plain packs were less often displayed face-up (74.0%) and more often concealed (8.9%) than branded packs pre-PP (face-up: 85.2%; concealed: 4.0%), this was not sustained 1 year post-PP (face-up: 85.7%; concealed: 4.4%). Also, external case use increased from pre-PP (1.2%) to early post-PP (3.5%), but returned to pre-PP levels 1 year post-PP (1.9%).

Conclusions: This study demonstrated a sustained reduction in visibility of tobacco products and smoking in public, particularly in the presence of children, from pre-PP to 1 year post-PP. This effect is likely to reduce smoking-related social norms, thereby weakening an important influence on smoking uptake and better supporting quit attempts.

Research letter

30. Did smokers shift from small mixed businesses to discount outlets following the introduction of plain packaging in Australia? A national cross-sectional survey

Published: 19 March 2015 – Tobacco Control

http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii98.full

Michelle Scollo, Kerri Coomber, Meghan Zacher, Melanie Wakefield

The results of this large national study confirm those of our earlier study conducted in Victoria which also found no decline in percentages of smokers purchasing from convenience outlets following the introduction of PP. Findings of our study corroborate sales data from international market research company, Euromonitor, which suggest no major shifts in channel of purchase between 2012 and 2013.

End – BMJ supplement

31. Effects of brand variants on smokers' choice behaviours and risk perceptions

Published Online First 25 March 2015 – Tobacco Control

<http://tobaccocontrol.bmj.com/content/early/2015/05/19/tobaccocontrol-2014-052094.full>

Janet Hoek, Philip Gendall, Christine Eckert, Joya Kemper, Jordan Louviere

Abstract

Background: Australian tobacco companies have introduced evocative variant names that could re-create the aspirational connotations plain packaging aims to remove. To inform future regulation, we explored how brand descriptors affected smokers' responses to plain packs featuring different variant name combinations.

Methods: An online survey of 254 daily smokers or social smokers aged between 18 and 34 used a within-subjects best-worst experiment to estimate the relative effects of variant names. A 2×4×4×4 design contained four attributes: quality (premium or none), taste (smooth, fine, rich or none) connotation (classic, midnight, infinite or none) and colour (red, blue, white or none). In a between-subjects component, respondents evaluated one of two alternative packs according to its perceived harm and ease of quitting.

Results: The most important variant attribute was connotation, followed by taste, colour and quality; within these attributes, the most attractive descriptors were 'classic' and 'smooth'. We identified four distinct segments that differed significantly in their sociodemographic attributes and variant preferences, although not in their perceptions of the harm or quitting ease associated with two different variants.

Conclusions: Some descriptors significantly enhance the appeal of tobacco products among different groups of smokers and may undermine plain packaging's dissuasive intent. Policymakers should explicitly regulate variant names to avoid the 'poetry on a package' evident in Australia. Options include disallowing new descriptors, limiting the number of descriptors permitted or banning descriptors altogether.

References

- ¹ Explanatory memorandum, *Tobacco Plain Packaging Bill 2011* (Cth), p. 1.
- ² Australian Institute of Health and Welfare, *National Drugs Strategy Household Survey*, [6 August 2014], <<http://www.aihw.gov.au/alcohol-and-other-drugs/ndshs/>>
- ³ Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.
- ⁴ Carter, O., Welch, M., Mills, B., Phan, T., Chang, P., (2013), 'Tobacco plain packaging improves retail transaction times: first real-life data from Australia repudiating tobacco retailer scaremongering', *British Medical Journal*, 346(f), 1063.
- ⁵ Wakefield, M., Bayly, M., Scollo, M., (2013) 'Product retrieval time in small tobacco retail outlets before and after the Australian plain packaging policy: real-world study', *Tobacco Control*, 23(1) pp. 70-76: <<http://tobaccocontrol.bmj.com/content/23/1/70.abstract?sid=a9f20a8b-d9ab-4563-b580-5d63e2d63c23>>
- ⁶ Bayly, M., Scollo, M., Wakefield, M., (2014), 'No lasting effects of plain packaging on cigarette pack retrieval time in small Australian retail outlets', *Tobacco Control*, e-pub 30 May 2014: <<http://tobaccocontrol.bmj.com/content/early/2014/05/30/tobaccocontrol-2014-051683.full.pdf+html>>
- ⁷ Scollo M, Coomber K, Zacher M, and Wakefield M. Did smokers shift from small mixed businesses to discount outlets following the introduction of plain packaging in Australia? A national cross-sectional survey. *Tobacco Control*, 2015; 24:ii98-ii100. Available from: http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii98.full
- ⁸ Michelle Scollo, Meghan Zacher, Sarah Durkin, Melanie Wakefield. (2014) 'Early evidence about the predicted unintended consequences of standardised packaging of tobacco products in Australia: a cross-sectional study of the place of purchase, regular brands and use of illicit tobacco', *BMJ Open*; 4(e005873) doi:10.1136/bmjopen-2014-005873 <<http://bmjopen.bmj.com/content/4/8/e005873.full>>
- ⁹ Scollo M, Bayly M, Wakefield M. (2015) 'Did the recommended retail price of tobacco products fall in Australia following the implementation of plain packaging?', *Tobacco Control*; 24(2) pp ii90–ii93: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii90.full>
- ¹⁰ Scollo M, Bayly M, Wakefield M. (2015) 'The advertised price of cigarette packs in retail outlets across Australia before and after the implementation of plain packaging: a repeated measures observational study', *Tobacco Control*; 24(2) pp ii82–ii89: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii82.full>
- ¹¹ Scollo M, Bayly M, and Wakefield M. Availability of illicit tobacco in small retail outlets before and after the implementation of Australian plain packaging legislation. *Tobacco Control*, 2014; 24(e1):e45-51. Available from: <http://tobaccocontrol.bmj.com/content/early/2014/04/10/tobaccocontrol-2013-051353.abstract>
- ¹² Scollo, M., Bayly, M., Wakefield, M. (2014). 'Availability of chop-chop in Victorian tobacconists following introduction of plain packaging', *Australia and New Zealand Journal of Public Health*, epub 3 June 2014: <<http://onlinelibrary.wiley.com/doi/10.1111/1753-6405.12226/abstract>>
- ¹³ Scollo M, Zacher M, Coomber K, et al. (2015) 'Use of illicit tobacco following introduction of standardised packaging of tobacco products in Australia: results from a national cross-sectional survey', *Tobacco Control*; 24(2) pp ii76–ii81: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii76.full>
- ¹⁴ [Scollo](#), Zacher, Durkin and Wakefield, as per Endnote 5 above.
- ¹⁵ Sally M Dunlop, Timothy Dobbins, Jane M Young, Donna Perez, David C Currow (2014) 'Impact of Australia's introduction of tobacco plain packs on adult smokers' pack-related perceptions and responses: results from a continuous tracking survey', *BMJ Open*; 4(e005836) doi:10.1136/bmjopen-2014-005836 <<http://bmjopen.bmj.com/content/4/12/e005836.full>>
- ¹⁶ Wakefield M, Coomber K, Zacher M, et al. (2015) 'Australian adult smokers' responses to plain packaging with larger graphic health warnings 1 year after implementation: results from a national cross-sectional tracking survey', *Tobacco Control*, 24(2) pp ii17–ii25: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii17.full>

- ¹⁷ White V, Williams T, Wakefield M. (2015) 'Has the introduction of plain packaging with larger graphic health warnings changed adolescents' perceptions of cigarette packs and brands?', *Tobacco Control*; 24(2) pp ii42–ii49: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii42.full>
- ¹⁸ Guillaumier A, Bonevski B, Paul C, et al. (2014) 'Socioeconomically disadvantaged smokers' ratings of plain and branded cigarette packaging: an experimental study', *BMJ Open*; 4(e004078) doi:10.1136/bmjopen-2013-004078 <<http://bmjopen.bmj.com/content/4/2/e004078.full>>
- ¹⁹ Wakefield, Coomber et al, as per reference 14 above
- ²⁰ Sally M Dunlop, Timothy Dobbins, Jane M Young, Donna Perez, David C Currow (2014) 'Impact of Australia's introduction of tobacco plain packs on adult smokers' pack-related perceptions and responses: results from a continuous tracking survey', *BMJ Open*; 4(e005836) doi:10.1136/bmjopen-2014-005836 <<http://bmjopen.bmj.com/content/4/12/e005836.full>>
- ²¹ White V, Williams T, Faulkner A, et al. (2015) 'Do larger graphic health warnings on standardised cigarette packs increase adolescents' cognitive processing of consumer health information and beliefs about smoking-related harms?', *Tobacco Control*; 24(2) pp ii50–ii57: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii50.full>
- ²² Hua-Hie Yong, Ron Borland, David Hammond, James F Thrasher, K Michael Cummings, Geoffrey T Fong (2015) 'Smokers' reactions to the new larger health warning labels on plain cigarette packs in Australia: findings from the ITC Australia project', *Tobacco Control*; 0 pp 1–7. doi:10.1136/tobaccocontrol-2014-051979 <<http://tobaccocontrol.bmj.com/content/early/2015/02/19/tobaccocontrol-2014-051979.full>>
- ²³ Wakefield M, Coomber K, Zacher M, et al. (2015) 'Australian adult smokers' responses to plain packaging with larger graphic health warnings 1 year after implementation: results from a national cross-sectional tracking survey', *Tobacco Control*, 24(2) pp ii17–ii25: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii17.full>
- ²⁴ Miller CL, Ettridge KA, Wakefield MA. (2015) "You're made to feel like a dirty filthy smoker when you're not, cigar smoking is another thing all together." Responses of Australian cigar and cigarillo smokers to plain packaging', *Tobacco Control*, 24(2) pp ii58–ii65: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii58.full>
- ²⁵ Scollo M, Zacher M, Coomber K, et al. (2015) 'Changes in use of types of tobacco products by pack sizes and price segments, prices paid and consumption following the introduction of plain packaging in Australia', *Tobacco Control*; 24(2) pp ii66–ii75: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii66.full>
- ²⁶ Wakefield, M., Hayes, L., Durkin, S., Borland, R., (2013) 'Introduction effects of the Australian plain packaging policy on adult smokers: a cross-sectional study' *BMJ Open Journal*, 3(7) pp. 1-9: <<http://bmjopen.bmj.com/content/3/7/e003175.full>>
- ²⁷ Zacher, M., Bayly, M., Brennan., et al (2014) 'Personal tobacco pack display before and after the introduction of plain packaging with larger pictorial health warnings in Australia: an observational study of outdoor café strips', *Addiction*, 109(4) pp. 653-662.
- ²⁸ Zacher M, Bayly M, Brennan E, et al. (2015) 'Personal pack display and active smoking at outdoor café strips: assessing the impact of plain packaging 1 year postimplementation.', *Tobacco Control*; 24(2) pp ii94–ii97: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii94.full>
- ²⁹ Young, JM., Stacey, I., Dobbins, TA, et al (2014), 'Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis', *The Medical Journal of Australia*, 200(1) pp. 29-32: <<https://www.mja.com.au/journal/2014/200/1/association-between-tobacco-plain-packaging-and-quitline-calls-population-based>>
- ³⁰ Brennan E, Durkin S, Coomber K, et al. (2015) 'Are quitting-related cognitions and behaviours predicted by proximal responses to plain packaging with larger health warnings? Findings from a national cohort study with Australian adult smokers', *Tobacco Control*; 24(2) pp ii33–ii41: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii33.full>

³¹ Durkin S, Brennan E, Coomber K, et al. (2015) 'Short-term changes in quitting-related cognitions and behaviours after the implementation of plain packaging with larger health warnings: findings from a national cohort study with Australian adult smokers', *Tobacco Control*; 24(2) pp ii26–ii32: <http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii26.full>

³² Sara Hitchman, Pete Driezen, Lorraine Craig, Timea Partos, Ann McNeill, Ron Borland, and Geoffrey T. Fong and Jennifer Boon (2014) 'Standardized Packaging for Tobacco Products. Recent evidence from Australia and United Kingdom', *The ITC Project and the British Heart Foundation*; <http://www.itcproject.org/files/ITC_British_Heart_FoundationA4-v8-web-Final-18Dec2014.pdf>

³³ Swift E, Borland R, Cummings KM, et al. (2014) 'Australian smokers' support for plain or standardised packs before and after implementation: findings from the ITC Four Country Survey', *Tobacco Control*; 0 pp 1–6. doi:10.1136/tobaccocontrol-2014-051880 < <http://tobaccocontrol.bmj.com/content/early/2014/10/27/tobaccocontrol-2014-051880.full>>

³⁴ Janet Hoek, Philip Gendall, Christine Eckert, Joya Kemper, Jordan Louviere (2015) 'Effects of brand variants on smokers' choice behaviours and risk perceptions', *Tobacco Control*; 0:1–6. doi:10.1136/tobaccocontrol-2014-052094 <<http://tobaccocontrol.bmj.com/content/early/2015/05/19/tobaccocontrol-2014-052094.full>>

³⁵ Moodie, C., et al, *Plain Tobacco Packaging: A Systematic Review*, Public Health Research Consortium, UK Centre for Tobacco Control Studies, University of Stirling, The Open University, 31 January 2012, p. 9.

³⁶ Plain packaging in Australia is implemented via the *Tobacco Plain Packaging Act 2011* (Cth) and the *Tobacco Plain Packaging Regulations 2011* (Cth).

³⁷ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.2.1(3).

³⁸ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.2.1(3A).

³⁹ *Tobacco Plain Packaging Regulations 2011* r 2.2.1(4).

⁴⁰ Houses of the Oireachtas, *Health Committee publishes report on tobacco plain packaging Bill*, (3 April 2014). <<http://www.oireachtas.ie/parliament/mediazone/pressreleases/name-21484-en.html>>

⁴¹ See relevant research summarised in the systematic review by Stead et al (2013) – *Is consumer response to plain/standardised packaging consistent with the FCTC guidelines*. See also, Moodie and Ford 2011, p. 177.

⁴² *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.1.5

⁴³ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.6.3.

⁴⁴ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁴⁵ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁴⁶ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁴⁷ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁴⁸ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁴⁹ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁵⁰ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁵¹ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.1(5)(b)-(c).

⁵² *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.1.3(3)(c).

⁵³ *Tobacco Plain Packaging Regulations 2011* (Cth) - cigarettes: r 3.1.2(3)(a)-(b); cigars r 3.2.1(7)(a)-(b).

⁵⁴ *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.2.1(4).

⁵⁵ *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.9(1)(c)(iv).

⁵⁶ *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.1.2(3)(f).

⁵⁷ National Library of Australia, Australian Government web archives, *Tobacco Plain Packaging Enforcement Policy: Frequently Asked Questions*, [7 August 2014], available from: <http://webarchive.nla.gov.au/gov/20140211204322/http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/tob-plpcking-enforce-policy-faqs> >. See also Latika Bourke, 'Tobacco firm reprimanded for plain packaging breach' (29 November 2012), ABC News [25 May 2015]. Available from: <http://www.abc.net.au/news/2012-11-29/tobacco-producer-reprimanded-for-plain-packaging-breach/4397694>>.

⁵⁸ Borland, R., Savvas, S., Sharkie, F., & Moore, K. (2013), 'The impact of structural packaging design on young adult smokers' perceptions of tobacco products', *Tobacco Control*, 22, pp.97-102.

⁵⁹ Moodie, C., Ford, A., Mackintosh, A.M., Hastings, G. (2012), 'Young people's perceptions of cigarette packaging and plain packaging: an online survey', *Nicotine & Tobacco Research*, 14(1), pp. 98-105.

⁶⁰ GfK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011.

⁶¹ Borland, R., Savvas, S., Sharkie, F., & Moore, K. (2013), 'The impact of structural packaging design on young adult smokers' perceptions of tobacco products', *Tobacco Control*, 22, pp. 97-102.

⁶² Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, pp. 1658-1668.

⁶³ *Tobacco Plain Packaging Regulations 2011* (Cth): cigarettes: r 2.1.1; cigars: r 2.1.4; other: r 2.1.5.

⁶⁴ European Commission Memo, *Questions & Answers: New rules for tobacco products*, Brussels, 26 February 2014. [http://europa.eu/rapid/press-release MEMO-14-134_en.htm](http://europa.eu/rapid/press-release_MEMO-14-134_en.htm)

⁶⁵ Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, pp. 1658-1668.

⁶⁶ Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, 1658-1668.

⁶⁷ Market Research to Determine Effective Plain Packaging of Tobacco Products (2011) GfK bluemoon, Study 1, [http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/\\$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf](http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf)

⁶⁸ GfK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p 84.

⁶⁹ Kotnowski, K., Hammond, D. (2013), 'The impact of cigarette pack shape, size and opening: evidence from tobacco company documents', *Addiction*, 108, pp. 1658-1668.

⁷⁰ GfK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 80.

⁷¹ GfK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 82.

⁷² GfK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 84.

⁷³ GFK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 39.

⁷⁴ GFK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, pp. 56, 59.

⁷⁵ The relevant agreements can be located at the following websites:

British American Tobacco Australia Limited: <http://registers.accc.gov.au/content/index.phtml/itemId/683582> ;

Phillip Morris (Australia) Limited: <http://registers.accc.gov.au/content/index.phtml/itemId/683563> ;

Imperial Tobacco Australia Limited: <http://registers.accc.gov.au/content/index.phtml/itemId/713957>

⁷⁶ Hammond, D., Parkinson, C. (2009), 'The impact of cigarette package design on perceptions of risk', *Journal of Public Health* 2009; 31(3): 345-53; Bansal-Travers, M., Hammond, D., Smith, P., Cummings, KM. (2011) 'The Impact of Cigarette Pack Design, Descriptors, and Warning labels on risk perception in the US', *American Journal of Preventative Medicine*, 40(6), pp. 674-82 .

⁷⁷ Hammond, D., Parkinson, C. (2009), 'The impact of cigarette package design on perceptions of risk', *Journal of Public Health* 2009; 31(3): 345-53; Hammond, D., Dockrell, M., Arnott, A., Lee, A., McNeill, A. (2009), 'Cigarette pack design and perceptions of risk among UK adults and youth', *European Journal of Public Health*, 19(6), pp. 631-637.

⁷⁸ For a summary on the research regarding the impact of coloured packs on perceptions of harm, see the *Systematic Review* at p. 57 [4.4].

⁷⁹ C Moodie et al, *Plain Tobacco Packaging: A Systematic Review*, Public Health Research Consortium, UK Centre for Tobacco Control Studies, University of Stirling, The Open University, 31 January 2012, p.67 [4.4.4].

⁸⁰ Scollo M., Occleston, J., Bayly, M., Lindorff, K., Wakefield, M, 'Tobacco Product Developments associated with the Implementation of Plain Packaging in Australia' *Oceania Tobacco Control Conference Presentation*, Auckland 2013; See also Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.

⁸¹ *Tobacco Plain Packaging Regulations 2011* (Cth), regulations 2.3.4(3)(a); 2.3.8(2)(a)-(b); 2.3.9(1)(b)(iii); 2.3.9(1)(b)(iv).

⁸² *Tobacco Plain Packaging Regulations 2011* (Cth), regulations 2.3.4(4)(a); 2.3.8(2)(a); 2.3.9(1)(b)(iii); 2.3.9(1)(b)(v).

⁸³ Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.

⁸⁴ Scollo, M., Occleston, J., Bayly, M., Lindorff, K., (2014), 'Tobacco product developments coinciding with the implementation of plain packaging in Australia', *Tobacco Control*, pp.1-7.

⁸⁵ Borland, R., Savvas, S., (2012), 'Effects of stick design features on perceptions of characteristics of cigarettes', *Tobacco Control*, epub 6 March 2012: <<http://tobaccocontrol.bmj.com/content/early/2012/03/05/tobaccocontrol-2011-050199.abstract>>

⁸⁶ GFK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 74.

⁸⁷ Borland, R., Savvas, S., (2012), 'Effects of stick design features on perceptions of characteristics of cigarettes', *Tobacco Control*, epub 6 March 2012: <<http://tobaccocontrol.bmj.com/content/early/2012/03/05/tobaccocontrol-2011-050199.abstract>>

⁸⁸ GFK bluemoon, report prepared for the Department of Health and Ageing, *Market research to determine effective plain packaging of tobacco products*, August 2011, p. 76.

⁸⁹ *Tobacco Plain Packaging Regulations 2011* (Cth), r 3.2.1.

⁹⁰ See for example, r 2.3.7 of the *Tobacco Plain Packaging Regulations 2011* (Cth).

⁹¹ See the meaning of “relevant legislative requirement” under s 4 of the *Tobacco Plain Packaging Act 2011* (Cth).

⁹² Cigarettes: *Tobacco Plain Packaging Act 2011* (Cth) s 21(2); Cigars: *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.4.3(1); other: r 2.4.4.

⁹³ *Tobacco Plain Packaging Regulations 2011* (Cth), r 2.4.2(3).

⁹⁴ *Tobacco Plain Packaging Regulations 2011* (Cth), r 2.6.3.

⁹⁵ *Tobacco Plain Packaging Regulations 2011* (Cth), r 2.1.6.

⁹⁶ *Tobacco Plain Packaging Act* (2011) s 24.