

# Plain Packaging

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## Summary

Tobacco packaging has become one of the tobacco industry's leading promotional tools. In Australia, the Government proposes to require that tobacco products be sold in plain, standardised packaging. In the UK, the Government has committed to consulting on similar legislation. Research suggests that plain packaging would increase the impact of health warnings, reduce false and misleading messages that one type of cigarette is less harmful than another, and reduce the attractiveness to young people.

## What is plain packaging?

Plain packaging, also known as generic, standardised or homogenous packaging, refers to packaging that has had the attractive promotional aspects of tobacco product packaging removed and the appearance of all tobacco packs is standardised. Except for the brand name (which would be required to be written in a standard typeface, colour and size), all other trademarks, logos, colour schemes and graphics would be prohibited. The package itself would be required to be plain coloured (such as white or brown) and to display only the product content information, consumer information and health warnings required by law.<sup>1</sup>



## The current position

Plain packaging has not yet been put into effect in any jurisdiction, although it was first proposed by the Canadian government in the 1990s. Legislation is currently being considered by the Australian Government for introduction in 2012 and other governments, such as New Zealand, have expressed an interest in introducing a similar ban.

In the UK, the Government's tobacco control plan<sup>2</sup>, published in March 2011, included a commitment to consult on plain packaging during 2011, to determine "*whether the plain packaging of tobacco products could be effective in reducing the number of young people who take up smoking and in supporting adult smokers who want to quit*". Plain packaging has been supported by the (former) Chief Medical Officer and many other experts and international bodies<sup>3</sup>. The European Commission is exploring the merits of introducing plain packaging as an amendment to the Tobacco Products Directive.<sup>4,5</sup>

## The public health case for plain packaging

There is a growing body of research evidence in support of plain packaging. Peer reviewed studies have found that, compared to branded cigarettes, plain packaging is less attractive to young people, improves the effectiveness of health warnings, reduces mistaken beliefs that some brands are 'safer'

than others and is therefore likely to reduce smoking uptake amongst children and young people.

## Packaging as advertising

EU law defines tobacco advertising as “any form of commercial communication with the aim or direct or indirect effect of promoting a tobacco product”.

In 2003, the Tobacco Advertising and Promotion Act came into effect which prohibited virtually all forms of tobacco advertising and promotion, i.e. advertising in print media, on billboards and in the form of direct marketing were all prohibited. By July 2005, sponsorship of sport by tobacco companies was also prohibited. The only tobacco advertising currently permitted is a single A5 sized image at the point of sale. Consequently, tobacco packaging remains the most ubiquitous form of tobacco advertising.

Smokers display the branding every time they take out their pack to smoke. In doing so they are making a statement about how they want to be seen by others as they display and endorse the brand they have chosen. The importance of the pack as a communication tool is acknowledged by the tobacco industry as this response from Philip Morris to the Government’s consultation on the future of tobacco control illustrates:

*..”as an integral part of the product, packaging is an important means of differentiating brands and in that sense is a means of communicating to consumers about what brands are on sale and in particular the goodwill associated with our trademarks, indicating brand value and quality. Placing trademarks on packaged goods is, thus, at the heart of commercial expression.”<sup>6</sup>*

## Branding recruits children and young people to a life-time of addiction

Tobacco companies invest huge sums of money in advertising and marketing their products in order to recruit new customers, who are nearly always children and young people. Two thirds (66%) of regular smokers start before the age of 18 and two fifths (39%) start before the age of 16.<sup>7</sup> Of those who take up smoking, only about half will manage to stop before they die.<sup>8</sup> Currently more than 80,000 people die prematurely from smoking related diseases every year in England alone.

The UK Tobacco Advertising and Promotion Act has been effective in removing overt promotional activity and has brought about a consequent reduction in awareness of tobacco marketing amongst the young.<sup>9</sup> However, branding continues to drive teen smoking, and awareness of packaging and new pack design is a key element of this ongoing marketing.<sup>10,11</sup> Since the Act was implemented, the tobacco industry has responded by investing more resources into packaging design (as well as [point of sale display](#)) in order to communicate brand imagery and increase sales. Research shows that this has already had an effect: between 2002 and 2006 there was an increase in the proportion of young people aware of new pack design from 11% at 2002 to 18% in 2006.<sup>9</sup>



Examples of what plain packs may look like, compared to existing packs.

## Lambert & Butler – case study

In a presentation to an industry conference in 2006, Imperial Tobacco's Global Brand Director, Geoff Good, acknowledged that the tobacco advertising ban in the UK had *"effectively banned us from promoting all tobacco products"* and noted that *"In this challenging environment, the marketing team have to become more creative"* adding: *"We therefore decided to look at pack design."*

Focusing on the UK's most popular cigarette brand, Lambert & Butler, Imperial developed a new version of the Lambert & Butler brand to mark its 25th anniversary in the UK market. The "Celebration" packs were launched in November 2004 as a 4-month special edition, replacing the original pack until February 2005. According to Good: *"The effect was very positive. Already the no.1 brand, our share grew by over 0.4% during this period – that might not sound a lot – but it was worth over £60 million in additional turnover and a significant profit improvement."*

Good concludes: *"Often in marketing, it is difficult to isolate the effects of individual parts of the mix. But in this case, because the UK had become a dark market, the pack design was the only part of the mix that was changed, and therefore we knew the cause and effect."*

Good, G. Global Brand Director, Imperial Tobacco Group plc. [Presentation at UBS Tobacco Conference](#), 1 December 2006

Established adult smokers rarely change the brand of tobacco they smoke and the vast majority know which brand they will ask for before they walk into a shop.<sup>12,1</sup> Therefore, new, young smokers are the primary target of industry marketing. Brand imagery is much more important to younger age groups and they respond more effectively to it than older groups.<sup>13</sup> Moving to plain packaging would therefore reduce brand appeal and reduce smoking initiation.

## Branding gives the misleading impression some cigarettes are safer than others

The EU Tobacco Product Directive<sup>14</sup> states that: *"texts, names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others shall not be used on the packaging of tobacco products."*

Since the implementation of the law in 2003, the tobacco industry has been required to remove descriptors such as 'light' or 'mild' which might mislead consumers. However, the legacy of 'low-tar' advertising has resulted in certain colours such as white and silver being associated with 'lighter' or 'lower-tar' products giving the impression that they are less harmful than regular brands. The continuing use of colours as indicators of 'less harmful' brands by the tobacco industry can be viewed as being in contravention of the law.

Research commissioned by ASH to examine consumer perceptions of brands found that both adult and young people were significantly more likely to rate packages with the term "smooth", "gold" and "silver" as lower tar, lower health risk, and easier to quit compared to "regular" varieties of the same brands.<sup>15</sup>

Plain packs significantly reduce false beliefs about the relative health risk, and young people rate them as significantly less appealing and attractive.<sup>16,17,18,19</sup>

## Plain packaging would increase the effectiveness of health warnings and reduce misconceptions about the risks of smoking

Although there is good evidence to show that large bold written health warnings are effective in motivating smokers to quit<sup>20</sup> and that picture warnings are even more effective than written warnings,<sup>21</sup> tobacco branding lessens the impact of the warning message.<sup>22,23,24</sup>

As part of the ASH research referred to above, respondents were asked to compare plain versions of *Mayfair* and *Lambert & Butler* varieties in which the colour and stylistic features of the pack were removed, leaving only the name of the brands printed against either a brown or white background. The findings indicate that removing the colour and brand design not only reduces the attractiveness of brands, but also reduces misleading perceptions of tar delivery and risk between varieties.

This is especially true for young people who were significantly less likely to believe some brands are less harmful and lower in tar than others when shown brands in generic packaging compared to normal branded packs. The young people also found plain packaging far less attractive than branded packs. Similarly, research among adult smokers in Australia found that cigarette packs that displayed progressively fewer branding design elements were perceived increasingly unfavourably by smokers.<sup>25</sup>

## Plain packaging would prevent the use of brand variants as a promotional tool

The importance of the pack design as a means of increasing brand visibility can be seen by the huge growth in brand variants in recent years. The number of variants of cigarette brands has risen by over a third since 1998 in what appears to be a direct response to the inability of the industry to market products elsewhere. For example in 1998, there were 5 variants of the *Mayfair* brand but by 2008 the brand was available in seventeen formats. Figure 1 shows the overall growth in cigarette brand variants during the ten year period from 1998 to 2008.

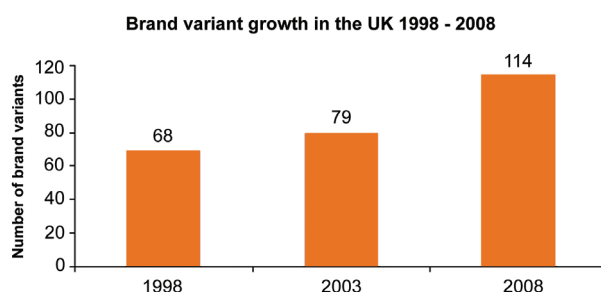


Figure 1 source: Pricechecker 1998, 2003, Safeway and Bookers price list  
Brands: Benson & Hedges, Berkeley, Lambert & Butler, Mayfair, Superkings, Silk Cut, Sovereign, Dorchester, Regal, and Rothmans/Royals

The growth in brand variants has occurred despite the fact that many consumers cannot detect differences between brands. As a BAT document reveals: *“One of every two smokers is not able to distinguish in blind (masked) tests between similar cigarettes... for most smokers and the decisive group of new, younger smokers, the consumer’s choice is dictated more by psychological, image factors than by relatively minor differences in smoking characteristics.”*<sup>26</sup>

The increased number of different brands enables greater visibility at point of sale displays for the brand family with more packs bearing the logo and brand features being stacked side by side. This has resulted in larger point of sale displays in order to stock a greater number of varieties and to utilise the increasing visual appeal of the packaging.

For more information on tobacco promotion at the point of sale see the [ASH Briefing: Tobacco Displays at the Point of Sale](#).

## Tobacco Industry views on plain packaging

According to Phillip Morris International the world’s major manufacturers have agreed to fight the introduction of plain packaging stating that they *‘do not want to see plain packaging introduced anywhere regardless of the size and importance of the market.’*<sup>27</sup>

In 2008 Tobacco Journal International reported that according to analysts Morgan Stanley, if generic packaging becomes a legal requirement in the UK it *“could result in considerably reduced profits.”*<sup>28</sup>

### What industry analysts say about plain packaging:

*“regulations... have to date neither undermined industry profitability nor led to commoditization of the cigarette category. However, a ban on conventional packaging graphics could prove to be a very different matter.”<sup>29</sup>*

*“Plain packaging would significantly reduce the power of tobacco brands.”*

*“The industry is so profitable only because consumers are willing to pay a premium of £1.50 for certain brands. We think this measure would cause a rapid worsening of the downtrading trend. Over time this would hurt profitability significantly.”<sup>30</sup>*

*“Clearly, smokers won’t like it. However, I suspect that the majority of the population that does not smoke will be in favour of the proposal. Anything which boosts the public health is good.”<sup>31</sup>*

## The legal case for plain packaging

Where plain packaging has been suggested, the tobacco industry has responded with rigorous campaigning, claiming that plain packaging would contravene national and international legal obligations on free trade and the protection of trade marks. However, the tobacco companies are aware that all these trade agreements contain important exceptions for health related issues which have been defended successfully.<sup>32</sup>

For example, in response to the Australian Labour government’s proposed legislation the tobacco industry has claimed that plain packaging laws would involve the acquisition of trade mark and be in breach of article 16 of The Agreement on Trade-Related Aspects of International Property Rights (TRIPS). However, Article 16 does not create a right to use a trade mark, it simply prevents third parties from using trade marks and this right would not be affected by plain packaging.<sup>33</sup>

Despite the tobacco industry’s public protestations, its own internal documentation has revealed that it does not believe it has a case under the TRIPS agreement, that “current conventions and treaties afford little protection”, and that there is “little joy” in GATT/TRIPS.<sup>34</sup>

## Public Opinion

A recent survey<sup>35</sup> commissioned by ASH demonstrates that there is strong support for plain packaging if evidence of its benefits can be demonstrated. This research already exists.

- Three quarters of people (75%) would support plain packaging if there is evidence that they make health warnings more effective
- Four fifths (80%) would support plain packaging if there is evidence that they are less attractive to children
- Almost two thirds (64%) would support plain packaging if there is evidence that they were less misleading about the relative safety of different cigarettes.

In 2008, 98% of respondents to a government consultation on the future of tobacco control supported plain packaging as an initiative to reduce smoking uptake by young people.<sup>36</sup>

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