

Standardised tobacco packaging

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Purpose of the briefing

This briefing sets out the background to the introduction of standardised “plain” tobacco packaging in the UK. It defines standardised packaging, explains the legal and political context, and summarises the research to support the measure.

Background

Standardised “plain” packaging of tobacco products was first seriously proposed in the 1990s in Canada,¹ but was dropped after heavy tobacco industry lobbying against the measure.² Then in November 2008 guidelines were adopted to the WHO Framework Convention on Tobacco Control on Article 11 (packaging and labelling)³ and Article 13 (advertising)⁴ recommending that Parties to the Convention should consider introducing plain packaging.

Australia was the first country in the world to require cigarettes to be sold in plain, standardised packaging in December 2012.⁵ The United Kingdom became the second country in the world to pass similar legislation with Ireland and France following suit. In the UK, tobacco companies were no longer permitted to manufacture or import packs with promotional features but had until 20th May 2017 to sell through old stock. In France, all packs on sale have been required to be in standardised format since 1 January 2017. In Ireland, all manufactured products will have to comply after 30th September 2017. A growing number of other countries in Europe around the world are now introducing standardised packaging.



ASH image: Packaging compliant with EU Tobacco Products Directive and Standardised Packaging regulations.

What is standardised packaging?

Standardised packaging, also known as plain, generic or homogenous packaging, refers to packaging that has had the attractive promotional aspects of tobacco products removed and the appearance of all tobacco packs is standardised including the colour of the pack. This means that there is no branding other than the product name in a standard font, size and colour, and no other trademarks, logos, colour schemes or graphics are permitted.⁶

In the UK and France the introduction of standardised packaging was introduced in addition to the implementation of the [EU Tobacco Products Directive](#)⁷ (TPD). The TPD set out new rules on tobacco packaging such as the increased size and positioning of health warnings, and allows Member States to go further and introduce standardised packaging.⁸ The regulations required for standardised packaging and those for the TPD⁹ all came into force in the UK from 20 May 2017. From that time on all packs manufactured or imported for sale in the UK must meet the following standards:

- Combined (picture and text) health warnings must cover 65% of the front and back of cigarette and roll-your-own tobacco packages
- No branding other than the product name and brand variant in a standard font, size and colour
- Prohibition of all other trademarks, logos, colour schemes and graphics
- The only colour permitted on the external surface (excluding the pictorial health warning and written text) is Pantone 448C with matt finish
- Cigarette packets must be cuboid in shape and contain a minimum of 20 cigarettes
- Packaging of hand-rolled tobacco must also be in same Pantone 448C colour and contain a minimum of 30g of tobacco.
- Misleading information on tar, nicotine and carbon monoxide emissions must be removed
- Prohibition on use of any promotional descriptors such as references to flavours

Public Opinion

There is widespread public support for tobacco to be sold in plain, standardised packaging. A YouGov survey conducted in March 2016 showed that 61% of adults in Great Britain supported requiring tobacco to be sold in plain standardised packaging with the product name in standard lettering, while only 10% opposed it.¹⁰

In Australia, a study found that since standardised packaging was introduced, smokers' support for the measure rose sharply from 28% prior to its introduction to 49% after implementation.¹¹

The case for standardised packaging

Packaging as advertising

In countries where tobacco advertising and promotion is prohibited the main source of promotion is tobacco packaging. 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 Limited 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.”¹²

Similarly, legal representatives of Japan Tobacco International, in proceedings in the Australian High Court, asserted that the Commonwealth “is acquiring our billboard, your Honour, in effect”.¹³

Branding helps recruit children and young people to a life-time of addiction

Currently nearly 100,000 people die prematurely from smoking-related diseases every year in the UK. Tobacco companies therefore need to recruit new smokers to stay in business. New customers are primarily children and young people. Two thirds (66%) of regular smokers start before the age of eighteen – the legal minimum age for the purchase of tobacco - and two fifths (39%) start before the age of sixteen.¹⁴ Almost all smokers start before the age of 24.¹⁵ Of those who take up smoking, only about half will manage to stop before they die.¹⁶

The UK Tobacco Advertising and Promotion Act was effective in removing overt promotional activity and has brought about a consequent reduction in awareness of tobacco marketing amongst the young.¹⁷ However, branding continued to drive teen smoking, and awareness of packaging and new pack design was a key element of this ongoing marketing.^{18,19} Between 2002 and 2006 there was an increase in the proportion of young people aware of new pack design from 11% in 2002 to 18% in 2006.¹⁷

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](#), 01 December 2006

Established adult smokers tend to be brand loyal and the majority know which brand they will ask for before they walk into a shop.²⁰ For example, an Australian study found that only 1% of smokers always decided what brand to buy based on the retail display.²¹ 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.²² Moving to standardised packaging therefore reduces brand appeal and should reduce smoking initiation.



Evidence reviews on standardised packaging

There is a growing body of research evidence in support of standardised packaging. Peer reviewed studies have found that, compared to branded cigarettes, standardised, “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 likely to reduce smoking uptake amongst children and young people.^{23,24,25,26,27}

Chantler review

In November 2013, Sir Cyril Chantler was commissioned by the Government to examine whether the introduction of standardised packaging would have an effect on public health, in particular in relation to the health of children.

Chantler reviewed evidence provided by public health bodies and by the tobacco industry.²⁸ He concluded by saying that he was: “*persuaded that branded packaging plays an important role in encouraging young people to smoke and in consolidating the habit irrespective of the intentions of the [tobacco] industry*”.

And added: “*I am satisfied that the body of evidence shows that standardised packaging, in conjunction with the current tobacco control regime, is very likely to lead to a modest but important reduction over time on the uptake and prevalence of smoking and thus have a positive impact on public health.*”

Australian Government Post-Implementation review

In February 2016, the Australian government published its Post-Implementation Review of the impact of standardised tobacco packaging.²⁹ The review concluded that while the full effect is expected to be realised over time, the evidence to date suggests that the measure is achieving its aims. Specifically, the review found that the measure accounted for approximately one quarter of the decline in smoking prevalence over the 3 year post-implementation period, during which time smoking fell from 19.4% to 17.2%. In addition, the Australian Government released figures showing a significant fall in consumption as measured by estimated expenditure on tobacco products.³⁰

Calls to smoking quitlines increased significantly after standardised packaging was implemented. One study found a 78% increase in the number of calls to the Quitline in NSW following the introduction of tobacco plain packaging and enlarged graphic health warnings.³¹ Furthermore, the increase was sustained for a significantly longer period of time than the increase experienced following the introduction of graphic health warnings in 2006.

Further evidence published as part of a collection of articles in the journal Tobacco Control³² showed that the introduction of standardised packaging has reduced the appeal of cigarette packs to adolescents.³³ Another study found that, contrary to tobacco industry claims, there has been no evidence in Australia of increased use of illicit tobacco.³⁴ Research has also found that smokers are now less likely to openly display their cigarette packs following the introduction of standardised packaging. The authors conclude that this is likely to reduce smoking-related social norms, thereby weakening an important influence on smoking uptake and better supporting quit attempts.³⁵

Cochrane review

In April 2017 a Cochrane review of the available evidence of the impact of standard packaging on tobacco use, uptake, cessation and reduction was published.³⁶ Cochrane produces systematic reviews which are considered to be the highest standard in medical evidence. The review of standard packs policy comes relatively early in implementation and research into the full impact over time is yet to be conducted. However, despite this the study authors were able to conclude that standard packs may reduce smoking. They state that: “*A reduction in smoking behaviour is supported by routinely collected data by the Australian government*” and that there is a “*plausible mechanism of effect*” through which standard packaging could reduce smoking.

UK legislative context

Tobacco Advertising & Promotion: UK and EU law

Tobacco advertising, promotion and sponsorship has been prohibited following implementation of the Tobacco Advertising and Promotion Act in 2003, and subsequent legislation to prohibit point of sale advertising and display. For further information see: [ASH Fact Sheet: Tobacco Advertising and Promotion in the UK](#). Since implementation of the 2001 EU Tobacco Products Directive³⁶ it has been illegal to include any text or symbols on tobacco packaging to suggest that a particular tobacco product is less harmful than others.

The road to standardised packaging legislation in the UK

- October 2008 - ASH publishes “Beyond Smoking Kills”²² (an agenda for tobacco control action) with a recommendation to prohibit branding, other than the product name and brand variant, on any tobacco packaging
- February 2010 – The Labour government publishes a new tobacco control strategy, “A Smokefree Future”, which promises to examine the ‘possible links between tobacco packaging and smoking behaviours’³⁷
- March 2011- The Coalition government’s Tobacco Control Plan for England promises to ‘consult on options to reduce the promotional impact of tobacco packaging, including plain packaging’³⁸
- April to August 2012 – the UK Government consults on the introduction of standardised packaging.³⁹
- July 2013 - summary report on consultation published together with Ministerial Statement stating that the government “has decided to wait until the emerging impact of the decision in Australia can be measured before we make a final decision on this policy in England”^{40,41}
- November 2013 – A cross-party group of peers tables an amendment to the Children and Families Bill to introduce standardised tobacco packaging.
- 28 November 2013 - the Government announces that it will introduce its own amendment to the Bill to give the Secretary of State for Health the power to introduce standardised packaging through regulations. At the same time, the Government commissions a review of the public health evidence to be conducted by a paediatrician, Sir Cyril Chantler.⁴²
- 4 April 2014 – Publication of Chantler report which concludes that standardised packaging would have a positive impact on public health. The Minister for Public Health responds, saying she was “minded to proceed with introducing regulations to provide for standardised packaging”, subject to a further short consultation to take into account any evidence that had arisen since the end of the 2012 consultation.⁴³
- June 2014 - A 3-month consultation launched along with publication of the draft regulations. Following the consultation, the Government notifies the European Commission of the draft regulations
- January 2015 - The Government announces that it will bring forward legislation and that regulations will be laid and voted on before the end of the parliamentary session on 30th March.⁴⁴
- February 2015 - regulations tabled.⁴⁵
- 9 March 2015 - a delegated legislative committee considers the draft regulations
- 11 March 2015 - MPs vote by a clear majority in favour of the measure (367 for versus 113 against).⁴⁶ The following week the regulations are debated and approved in the House of Lords without a vote.⁴⁷
- 20 May 2016 all packs manufactured or imported for retail sale in the UK must be compliant with the EU Tobacco Products Directive and standardised packaging legislation.
- 20 May 2017 – all packs on sale in the UK are required to be in standardised “plain” packaging and to comply with the requirements of the TPD.

Legal Challenges

The tobacco industry issued legal challenges to both the UK standardised packaging law and to the EU TPD. On 4th May 2016, the European Court of Justice ruled that the Tobacco Products Directive, which permits Member States to implement standardised packaging, was lawful. On 19th May 2016, the UK High Court rejected a separate legal challenge to the UK law on standardised packaging by the tobacco industry. The industry appealed and this in turn was rejected by the Appeals Court in December 2016. In April 2017 the Supreme Court refused the industry the permission to appeal ending the legal battle in the UK.

Other Countries – Progress towards standardised packaging laws

Australia	1 December 2012, adopted in full
France	1 January 2017, adopted in full
Ireland	Law passed; implementation 30 September 2017
Hungary	Law passed; implementation 20 May 2018
Slovenia	Law passed 15 Feb 2017; implementation 2020 ⁴⁸
New Zealand	Primary law passed, regulations awaiting adoption
Norway	Government bill introduced in June 2016
Canada	Government commitment; consultation held in 2016

The measure is also under formal consideration in 9 other countries.⁴⁹

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