Cancer Council Victoria

Submission

Public Consultation on Proposed Tobacco-Control Measures in Singapore

March 2018

Contents

Introduction 4

Response to Question 1 6

Response to Question 2: 6

Response to Question 3 7

1. Appearance of the retail package surface 7
   a. Restrictions on pack lining 8
2. Information that can appear on the retail packaging 10
   a. Numbers in brand and variant names 10
   b. Descriptors within brand and variant names 10
   c. Position and length of brand and variant details 14
   d. Pack features prohibited from constituting or providing access to tobacco advertising 16
3. The size of all retail packages is to be of prescribed dimensions; 17
   a. Regulations regarding material, size, shape and opening mechanisms for tobacco products 17
   b. Height, width and depth of tobacco packaging 18
   c. Soft packs 22
   d. Bevelled and rounded edges and alternative lids/openings 22
   e. Appearance of tobacco products 23
   f. Standardised cigarette size 24

Response to Question 4: 26

Response to Question 5: 26

Response to Question 6: 26

Response to Question 7: 27

   a. Tobacco Industry claims 27

Question 8: 28

   a. Reference to the World Health Organization Framework Convention on Tobacco Control 28
   b. Restrictive sell through period 28
   c. No distinctive filter colours or designs (e.g. grooves, hole or recess), where a filter is present. 29

Introduction

It is widely recognised that packaging is an important tool in marketing tobacco and tobacco products. Evidence of the potential benefits of plain packaging of tobacco products as an effective measure for the reduction of smoking-caused death and disease has been available since the early 1990s. Packaging has become even more critical to the promotion of tobacco since the prohibition and restriction of tobacco advertising generally.[1]

Plain packaging has been in place in Australia since December 2012 with the enactment of the *Tobacco Plain Packaging Act 2011* (Cth) (the Act),

The Act was introduced as part of a comprehensive tobacco control regime in Australia. Its objectives[2] 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.

To achieve these objectives, the Commonwealth of Australia has regulated the retail packaging and appearance of tobacco products 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[3] to the Act notes that the achievement of the above three points are part of a comprehensive suite of tobacco control measures that will contribute to long term efforts to reduce smoking rates.

Australia's comprehensive approach to tobacco control has resulted in a continued downward trend in smoking rates since 1991. Smoking among those aged 14+ years was 12.2% in 2016 and smoking for those aged 18+ years was 12.8% as recorded by the National Drug Strategy Household Survey[4]. Australia's youth smoking rates are at the lowest ever recorded with smoking amongst those aged 12-17 years at 5% in 2014.[5]

Extensive evaluation of the implementation of plain packaging in Australia has shown that it is effective, is working as intended and has contributed to the record drop in smoking prevalence seen in Australia. In April 2015, the *British Medical Journal*[6] published a suite of studies showing that plain packaging in Australia was working exactly as intended. The

studies showed that plain packaging may reduce the appeal of tobacco products, increase the effectiveness of health warnings and reduce the ability of the pack to mislead about the harms of tobacco use. These early results also provided some evidence that plain packaging was influencing cessation behaviour.

In February 2016, the Australian Government released the results of an independent post-implementation review of plain packaging. This review showed that one quarter of the record decline in Australian smoking prevalence over the review period was attributable to plain packaging measures[7], translating to 108,000 fewer smokers four years after implementation of the measure[8]. The review concluded that the health benefits of plain packaging in improved public health outcomes are expected to grow substantially into the future.

In April 2017, a Cochrane review found evidence that "indicates that standardized packaging may reduce smoking prevalence. These findings are supported by evidence from a variety of other studies that have shown that standardized packaging reduces the promotional appeal of tobacco packs, in line with the regulatory objectives set."[9]

Cancer Council Victoria congratulates the Government of Singapore for putting public health interests ahead of those of the tobacco industry by committing to the introduction of plain and standardised packaging. The following responses and recommendations are based on the success of the Australian experience and lessons learned.

Response to Question 1: *Do you agree that the SP Proposal would contribute to reducing smoking prevalence and improving public health over and above existing tobacco control measures? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this.*

Cancer Council Victoria (CCV) agrees that the Standardised Packaging Proposal (SP Proposal) would contribute to reducing smoking prevalence and improving public health over and above existing tobacco control measures.

For links to relevant studies please see our response to Question 2.

Response to Question 2: *Do you agree that the SP Proposal has the potential to achieve one or more of the five objectives set out above? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this. (Please specify which of the above objective(s) you think the SP Proposal may achieve.)*

Cancer Council Victoria agrees that the SP Proposal has potential to achieve all of the objectives set out in part 7.

In support of our response to questions 1 and 2 Cancer Council Victoria directs the Government of Singapore to consider the following reviews:

a. Post-Implementation Review of Tobacco Plain Packaging 2016 (Commonwealth of Australia Department of Health, February 2016);
b. 'Tobacco Control Supplement' – Implementation and evaluation of the Australian tobacco plain packaging policy (April 2015); and
c. Tobacco packaging design for reducing tobacco use (Cochrane, 27 April 2017).

Response to Question 3: *Do you have any suggestion(s) to improve the SP Proposal measure under consideration as set out in Part 3.3.3 of this document? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).*

CCV responds to the standardised layouts proposed in Appendix 2 of the Public Consultation Paper.

1. Appearance of the retail package surface

- All surfaces are in a standardised colour (i.e. drab dark brown or Pantone 448C), not embellished (unless permitted), opaque, and have a matt finish
- All wrappers are standardised
- Colour and finish for tobacco packaging (Norway submission)

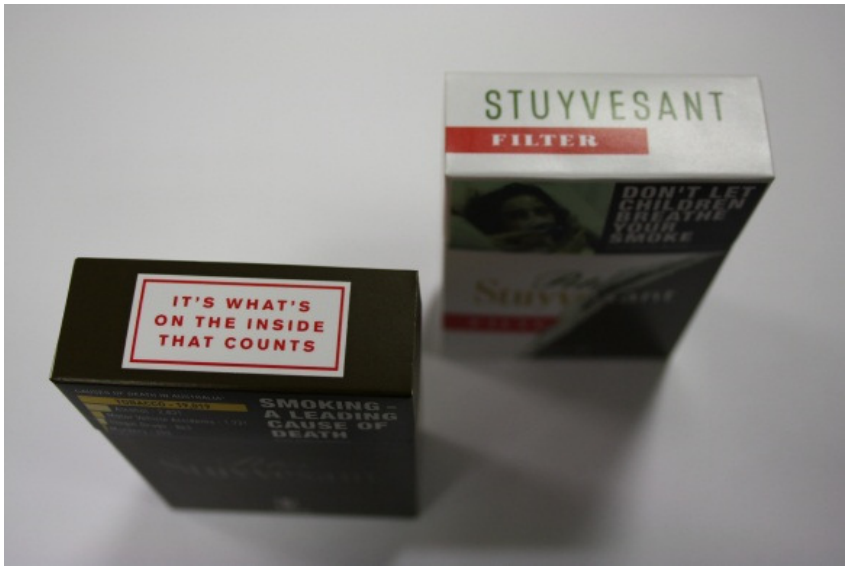
CCV agrees that the colour and finish of all internal and external surfaces should be in a standardised colour. CCV notes that the Australian plain packaging regime[10] mandates that each internal finish of cigarette packs or cartons must be white.[11] For other tobacco products, the internal packaging must be white or the colour of the packaging material in its natural state.[12] The Australian plain packaging regime mandates that the lining of a cigarette pack must be silver coloured foil with a white paper backing.[13].

We believe that aspects of the Australian regime described above can be improved upon. Having the inside packaging and linings the same drab, unattractive colour as the outside of the packaging will further reduce the appeal of tobacco and tobacco products. Research has shown that, amongst other things, white coloured packaging gives rise to perceptions of decreased product strength and harm.[14] For example, in Ireland the Joint Oireachtas Committee on Health and Children recommended that inner packaging of tobacco products be the same colour as the outside surface.[15]

It is inconsistent that exterior tobacco packaging should look unattractive and provide graphic images of the damage tobacco use can result in, while the interior packaging where 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 assurance to smokers that the product inside the packaging has not changed, preserving their brand affinity.

For example, in the lead up the operation of plain packaging in Australia Imperial Tobacco exploited this message by producing packaging its Peter Stuyvesant brand with the slogan ‘It’s what’s on the inside that counts’. It is CCV’s opinion that this approach was an attempt to provide reassurance to smokers that while packs may look different in the future, their known and trusted cigarettes would 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"

a. Restrictions on pack lining

In 2016 in an effort to circumvent Australia's packaging restrictions, Imperial Tobacco introduced a new form of packaging in Australia. Packs of 20 Peter Stuyvesant 'Blue Originals' cigarettes were sold with a 'lift out' foil pack inside the outer cardboard packaging (see image below).

The inner package was made of a heavy and sturdy foil, and was able to be carried by the smoker independently of the outer packaging. After investigation by the Australian Department of Health Imperial Tobacco agreed to remove this form of packaging from the market in 2017.

Picture 3: Peter Stuyvesant 'Blue Originals' with 'lift out' foil packaging – an attempt to circumvent Australia's plain packaging legislation

We note that regulation 46(d) of the New Zealand *Smoke-free Environments Regulations 2017* requires any lining used in cigarette packs to be *'fixed to the inside of the pack and not easily detachable'*. The requirement for lining to be fixed to the inside of the pack may prevent similar packaging from being sold in New Zealand. However, for the avoidance of doubt, we recommended in our submission to the New Zealand government, and make the same recommendation to the Government of Singapore, that standardised packaging requirements specifically prohibit 'lift-out' lining designs such as that deployed by Imperial Tobacco in Australia or lining that constitutes a sealed/complete pack within the main packaging. Equivalent requirements should also be included for cigar and loose tobacco packaging.

- All retail packages to carry graphic health warning that cover not less than 75% of the total surface area of the retail package on which the warning is printed.

Agree.

- All glue used is transparent and not scented

Agree

- All tear strips are of a standardised colour

Agree

- Features designed to change after sale (e.g. heat-activated or markings that appear under fluorescent light), characteristic noises and scents are not used

Agree

Recommendation 1: *The proposed measures 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.*

(c) *mandate that cigarette pack linings be fixed to the inside of any pack and not be able to be removed.*

2. Information that can appear on the retail packaging

The standardised layout may include the requirements that:

- No marks or trademarks can be used other than brand and variant name. Appearance of brand and variant name on retail packages is standardised and must appear in a standardised location on the packaging
- Appearance of other information markings on the retail packages is standardised

Marking of tobacco packets with brand and variant names, and manufacturer information

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. 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".[16]

We recommend that the Government of Singapore go further than the ACCC undertakings described above by prohibiting the use of numbers in brand or variant names altogether. CCV submits that 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. This has been reflected in research.[17]

b. Descriptors within brand and variant names

Plain packaging legislation in Australia continues to permit the use of brand variants and places no specific restrictions or limitations on the naming of brands. However, research has found that words such as "smooth", "silver" and "gold" are perceived in similar ways to descriptors such as "light" and "mild" in the way these give rise to the perception that some products deliver less tar and pose lower health risks compared with full flavour and regular brands.[18]

These findings also suggest that words describing colours can result in connotations about product strength and harm similar to those achieved through coloured packaging.[19] 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’). [20] 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 the remaining forms of promotion still available in two ways:[21]

- 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 8 below)).
- registering more evocative names.

In the lead 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.

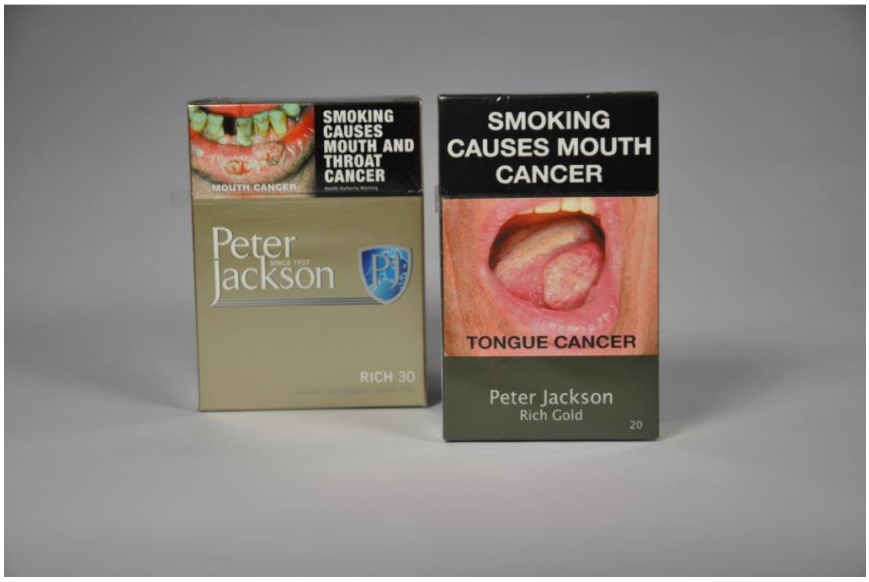
For example:

- 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 4: Dunhill “Premier Red” variant extension

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

Picture 5: Peter Jackson "Rich Gold" variant extension



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

Picture 6: Peter Jackson "Original Blue" variant extension

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

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 7: Pall Mall Slims "Smooth" Amber variant extension

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

Apart from the pleasant associations they may evoke, brand extensions such as *Peter Stuyvesant New York Blend* and long variant names for brands such as *Marlboro Silver Fine Scent* have the advantage of taking up a very large amount of the brown space on the pack.

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 (number of characters) of a name.

Research undertaken in New Zealand used focus groups to explore how brand descriptors affected smokers' responses to plain packs featuring different variant name combinations. It concluded that some descriptors significantly enhance the appeal of tobacco products among different groups of smokers and may undermine plain packaging's dissuasive intent. They recommend:

> *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.*[22]

In New Zealand, a brand name may be displayed on a tobacco package if it:

a. appears only on the front surface and the 2 smallest surfaces of the package
b. takes up only 1 line on each surface on which it appears
c. appears below, and in the same orientation as, any part of a required message on that surface

d. is no longer than 50 mm
e. does not obscure any part of a required message on that surface; and
f. is no larger than 14 pt font size.[23]

A variant name may be displayed on a tobacco package if it

a. appears below a brand name
b. is no longer than 35 mm; and
c. is no larger than 10 pt font size.[24]

CCV directs the Government of Singapore to the approach taken by New Zealand in regulating brand and variant names on standardised packaging. New Zealand has regulated that brand names can be no longer than 50mm, and variant names no longer than 35 mm.[25]

CCV also directs the Government of Singapore to consider how Article 13 of Directive 2014/40 of the European Parliament which prohibits labelling and promotion of a tobacco product by "creating an erroneous impression about its characteristics …" has been implemented[26]

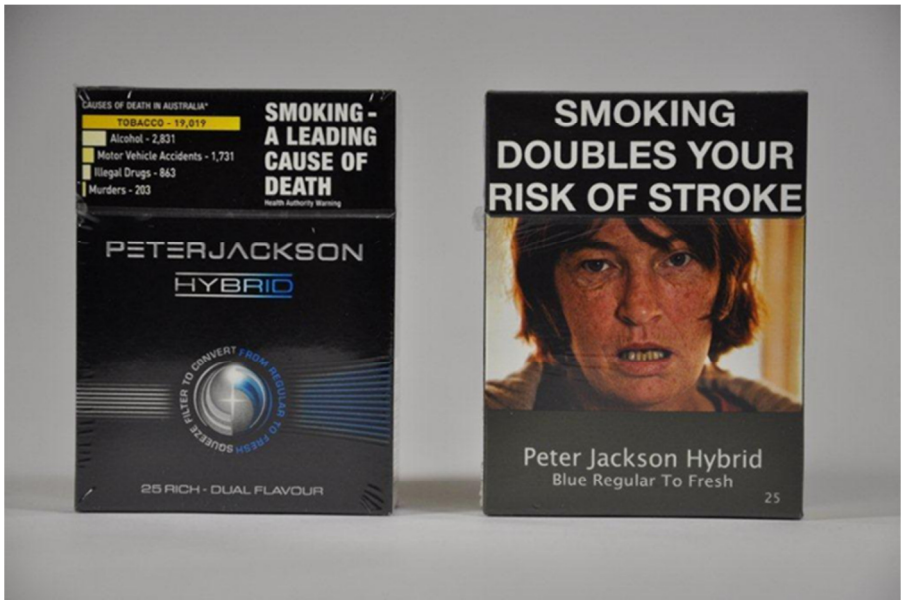
The French Government has used this directive to introduce provisions into its Public Health Code that prohibit cigarette variant names that suggest that a tobacco product has beneficial effects on health and lifestyle in terms of weight loss, powers of sexual attraction, social status, social life or qualities such as femininity, masculinity or elegance.[27]

c. Position and length of brand and variant details

The tobacco industry has 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:

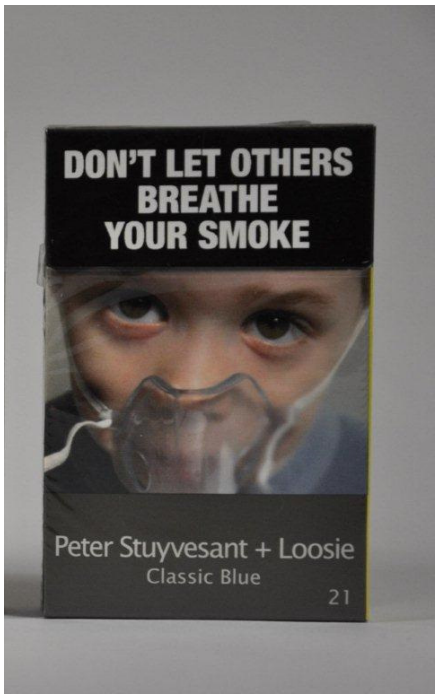
Picture 8: "Marlboro Red" brand extension

Picture 9: "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 10: "Peter Stuyvesant + Loosie" brand extension



We recommend that options be explored to prevent tobacco companies from avoiding or subverting the intention of branding requirements in this way.

d. Pack features prohibited from constituting or providing access to tobacco advertising

The Australian plain packaging regime provides that the following pack features are prohibited from constituting and/or providing access to tobacco advertising. We recommend that the Government of Singapore adopt similar measures where applicable.

- Origin marks[28]
- Calibration marks[29]
- Measurement marks and trade descriptions[30]
- Bar code[31]
- Fire risk statement[32]
- Locally made product statement[33]
- Name and address[34]
- Consumer contact telephone number[35]
- Embossing (automated manufacturing dots) of lining[36]
- Alphanumeric codes[37]
- Covert marks.[38]

Additionally, telephone numbers[39] and alphanumeric codes[40] must not represent, or be related in any way to, the brand or variant name of the tobacco product.

- No information as to product emission yields can be displayed

Agree

Recommendation 2:

(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) *Brand and variant names should be regulated as follows:*
- *Brand names be limited to two words only eg. Marlboro, Benson & Hedges*
- *Variant names be limited to one word only eg. Distinct, Original*
- *use of colours in a brand or variant name be prohibited eg. red, gold, silver etc.*
- *use of terms that may mislead about potential harm of the product or connote a desirable lifestyle be prohibited eg. smooth, rich, fine, freedom, prestige etc*

(c) *The regulations should specify that brand and variant names appear horizontally on all surfaces.*

3. The size of all retail packages is to be of prescribed dimensions;

The standardised layout may include the requirements that:

- Retail package size, shape and material materials are standardised
- Retail packages open according to a standardised format.

a. Regulations regarding material, size, shape and opening mechanisms for tobacco products

We recommend that the proposed measures:

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

We say this 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";[41] 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".[42]

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".[43]

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 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.[44]

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.[45]

We provide specific feedback on each category below.

b. 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).[46] We recommend that the Government of Singapore's proposed measures improve on Australia's regime by mandating one size for each of the various tobacco product categories.

For cigarette packs, the smallest these dimensions should be is the current dimensions of a standard pack of 20 cigarettes. We acknowledge that there may be requirements to accommodate minimum dimensions of health warnings on cigarette packs.[47] 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 other product types such as roll your own tobacco.

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.[48] For example, Kotnowski and Hammond[49] 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).

Australian Government research shows pack size adds to the appeal of tobacco products with respondents forming associations with different pack sizes and shapes such as masculine and feminine smokers, 'practicality', and 'novelty.'[50] For example, a Vogue Super Slims pack was seen as "solely attractive for females under 25 years old".[51]

Picture 11: Examples of slim cigarette packs

Australian plain packaging regulations sets minimum and maximum dimensions for cigarette packs based on a standard pack size for packages of 20 cigarettes (smallest dimensions) and 50 cigarettes (largest dimensions). Manufacturers can produce a pack of any size within these dimensions, which has been exploited for promotion and differentiation within and between brands. As a result we submit that one set of dimensions for packs be stipulated to reduce the ability of the pack size to act as a marketing tool.

Further, we also submit that the number of cigarettes in packs is standardised to one of 20 **or** 25 sticks. CCV makes this submission on the basis that pack size in terms of number of stick can be used as a marketing feature, such as for the purpose of drawing attention to a particular brand or promoting extra "value" packs. This is an area in which the Government of Singapore can learn from Australia's experience in implementing plain packaging, and how the tobacco industry responded, to improve upon the Australian regulations.

In the lead up to plain packaging in Australia, manufacturers used new pack sizes to seek to provide extra value for money and retain consumer interest.[52] After plain packaging was implemented, the general provisions on dimensions in the Act have allowed manufacturers to keep these new pack sizes on the market. Manufacturer strategies have included the introduction of new "super-value" brands that provided more sticks at the same price as existing value brands, and 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).[53]

All three major tobacco companies operating in Australia have used this tactic, indicating it is a valuable marketing ploy still available to them under the Australian plain packaging regime.

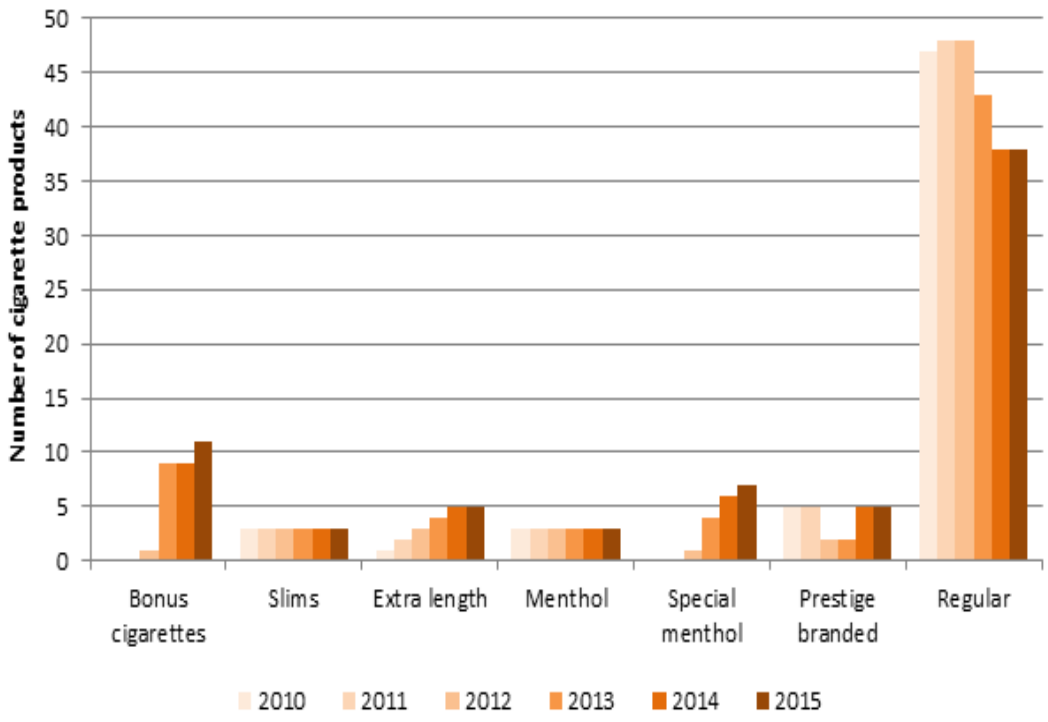
Picture 12: Examples of packs in odd sizes before and after the implementation of plain packaging in Australia

Holiday "super saver" offering 2 extra cigarette sticks

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

Packs in odd sizes after the implementation of plain packaging in Australia

Picture 13: Number of cigarette product offerings with various features, Australia 2010 to 2015



Source: Centre for Behavioural Research in Cancer analysis, using Australian Retail Tobacconist price lists, supermarket catalogues and ingredients reports to the Department of Health.

As price is a big driver of quit attempts, manufacturers have attempted to undermine tobacco tax policy through pack size. For example, British American Tobacco Australia introduced packs of 23 of the Dunhill brand in an attempt to offset price increases due to a September 2016 increase in tobacco excise/customs duty,.[54] These new packs of 23 sell for the same price as a pack of 25 prior to the increase, meaning that while smokers are receiving 2 fewer cigarettes for the same prace.

We draw the Government of Singapore's attention to New Zealand's *Smoke-free Environments Regulations 2017,* that came into effect in New Zealand on 14 March 2018[55]. These regulations propose measures that go beyond Australia's legislation and include measures for standardisation that are not covered in the consultation document. This includes:

- limiting the number of cigarettes in a pack to either 20 or 25[56]
- limiting the amount of loose tobacco to 30 grams or 50 grams[57]

CCV submits that 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 perceived as being 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.

Further, the number of cigarettes in packs is standardised to one of 20 **or** 25 sticks.

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).

Please note that CCV deals with packaging for roll your own tobacco in its response to Question 6.

c. Soft packs

CCV submits that soft packs should be prohibited and that cigarette packaging should solely be made from rigid cardboard (apart from glues and lining). 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 which can influence consumer perceptions about product attributes.

The Australian Government research found that Camel soft packs "were more likely to be associated with words like 'masculine', 'serious' and 'tough'".[58] Camel soft packs elicited 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.[59]

d. Bevelled and rounded edges and alternative lids/openings

As with pack shape and size, the tobacco industry has been exploiting features such as bevelled and rounded edges and pack openings to promote products.[60] 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".[61] Respondents also reported a strong sense of appeal in relation to a Marlboro limited edition pack, solely due to the novel opening mechanism.[62] Similarly, a Dunhill pack that was otherwise considered highly impractical was still somewhat desirable among respondents for its unique opening style.[63]

Recommendation 3:

(a) *The SP Proposal measures should:*

- *prescribe height, width and depth dimensions of packaging for all tobacco products*
- *prohibit soft cigarette packs*
- *mandate pack construction solely from rigid cardboard material*
- *prohibit bevelled and rounded edges and only allow pack lids that are flip top (and not shoulder box hinged lids)*
- *limiting the number of cigarettes in a pack to one of 20 or 25 cigarettes*

(b) *The SP Proposal measures should apply to all tobacco packaging, including cigar packaging, cigarette cartons, and cigar packaging.*

e. Appearance of tobacco products

The standardised layout may include the requirements that:

- Cigarettes are of a standardised colour or combination of colours, and carry no markings except for the "SDPC" marking, which should be of a standardised appearance and location

While we support a standardized colour for cigarette, we do not support the stipulated colour being white.

There is a large and growing evidence base that demonstrates that the appeal of tobacco products could be further reduced if cigarette sticks are produced in an unappealing colour. Australian Government research on cigarettes demonstrates that solid white sticks with cork tips are seen as 'everyday' and 'standard', and denotes a familiar and desired user experience. White sticks portray sophistication linked with premium brands, association with menthol, foreign or budget cigarettes and female smokers. [64]

Recent New Zealand research also shows that denormalising the appearance of sticks through the use of unappealing colours could further enhance the effects of standardised packaging. [65]

CCV supports research into the most unappealing stick colour for cigarettes and for tobacco products that are rolled in cigarette paper other than cigarettes, and for this colour to be prescribed in SP Proposal.

f. Standardised cigarette size

In addition to the above CCV believes that cigarettes should only be sold in a standardised length, diameter and width.

Research undertaken in 2011 on behalf of the Australian Government [66] showed that there are strong assumptions and levels of appeal with different cigarette sticks. Manufacturers capture appeal by utilising different stick types or sizes, colouration, branding and factors such as patterned tips.

A 2012 Australian study[67] considering cigarette stick dimension, tipping paper design and other branding on smokers' perceptions showed that cigarettes with different characteristics were perceived as different on attractiveness, quality and strength of taste. The study also found branded sticks were more attractive, higher in quality and stronger tasting than non-branded designs, regardless of brand. Slim sticks regarded as being less attractive to male smokers, while a patterned tipping paper and gold band was seen as more attractive and strongest tasting when compared non-branded designs.

Research undertaken with adolescents clearly shows that stick diameter can impact on appeal of a product and also mislead consumers about the potential harm. The study found that slim and 'superslim' cigarettes with white filter tips and decorative features were viewed most favourably and rated most attractive. Slimmer cigarette diameters also communicated weaker tasting and less harmful looking cigarettes. This was closely linked to appeal as thinness implied a more pleasant and palatable smoke for young smokers[68].

The Australian plain packaging regime places no limits on cigarette stick dimensions, save that the sticks are no bigger than the maximum pack dimensions allowed, British American Tobacco, who own the 'Vogue' brand of cigarettes, have exploited stick dimensions as a marketing tool. The slim pack size of the Vogue cigarettes was increased to comply with the

minimum dimensions required by Australia regulations, but they continued to make their Vogue cigarettes long and slim to appeal to a young female market. Extra space inside the pack was filled out with reconfigured pack lining (see the example below).

While measures such as standardizing stick diameter and length discussed elsewhere in this document may prevent the outcome as describe above that Australia experienced, for the avoidance of doubt we support a prohibition on 'space fillers'.

Picture 14: British American Tobacco's 'Vogue' brand of cigarettes

An example of how British American Tobacco modified the inside packaging of their 'Vogue' brand of cigarettes in Australia to ensure that while they comply with the requirements for minimum pack dimensions, they can still supply slim cigarettes to the market.

Recommendation 4:

The SP Proposal should restrict the dimensions of cigarette sticks by setting a single standardised length and diameter.

- Cigar bands are of a standardised format, colour and location, and only contain information of standardised appearance as prescribed.

Agree.

Response to Question 4: *If you do not support the proposal to introduce the SP Proposal, do you have any suggestions to regulate the shape, size and look of tobacco products and packaging to achieve the objectives set out above? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).*

Cancer Council Victoria supports the SP proposal.

Response to Question 5: *If you do not agree that the SP Proposal should be introduced, what other options do you think should be adopted to reduce smoking prevalence, and the harm it causes? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support your suggestion(s).*

Cancer Council Victoria agrees that the SP proposal should be introduced.

Response to Question 6: *If adopted, do you agree that the SP Proposal should be applied to non-cigarette tobacco products such as cigarillos, cigars, ang hoon, and roll-your-own tobacco? Please cite any relevant studies (specifically, the particular page or part of these studies) or information that support or contradict this.*

While measures outlined in the consultation document on package surface appearance and permitted information appear to be intended to apply to all tobacco packaging, requirements for package shape and size are only outlined for cigarette and single cigar packaging.

Standardisation of all aspects of packaging should apply to all tobacco product categories available for retail sale including but not limited to cigarettes, cartons of cigarettes, cigarette like products, cigarillos, single sale cigars, packs of cigars, *ang hoon*, chewing tobacco, bidis, kreteks, and waterpipe tobacco.

We believe that the Government of Singapore should adopt measures that go beyond Australia's legislation and proposals to:

- limit the amount of loose tobacco to 30 grams or 50 grams
- allow cigars to be sold singly in a cigar tube or in packs of 5 or 10 cigars only

We also recommend that the Government of Singapore standardise the number of items or the weight of items for all other categories of tobacco products to ensure this element of tobacco packaging cannot be exploited by tobacco manufacturers to undermine the intent of standardised plain packaging.

In addition we recommend the shape or dimensions of cigar packaging; cigarette cartons; loose tobacco packs; and all other tobacco packaging be specified for the same reasons.

In addition to our responses to Question 3, we recommend that loose tobacco should not be sold in pouches of soft plastic and should only be sold in rigid rectangular containers of one specified size. As the contents of a loose tobacco pouch decrease with consumption, soft packaging allows the pack to be resealed and stored in a tighter and smaller roll, resulting in

health warnings being obscured. Having a rigid pack on which the health warning is always visible will ensure that the effectiveness of health warnings is met for loose tobacco smokers.

Picture 14: Champion Ruby roll-your-own tobacco

Champion Ruby roll-your-own tobacco as purchased, and half-way through use – health warning no longer easily visible

Alternatively, soft packaging could be required to have some sort of rigid insert which cannot be removed that prevents the pack from being rolled up as the contents diminish. This would ensure the graphic health warnings are visible throughout the life of the pack and are the most effective they can be for this style of packaging.

Response to Question 7: *If adopted, do you think that the SP Proposal might have any incidental impact in the Singapore* context *other than matters addressed in answer to the above questions? If so, please elaborate on the possible incidental impact and any evidence in support of the same.*

a. Tobacco Industry claims

The tobacco industry has made a number of claims about unintended consequences of plain packaging in Australia, including that it would increase the use of illicit tobacco, that prices would decrease and that there would be impacts on retailers such as increased time to serve customers and smaller retailers would lose customers to larger retailers. Similar claims have been made in other countries that have either implemented, or like the Government of Singapore indicated an intention to implement, plain or standardised packaging.

Extensive evaluation of Australia's implementation of plain packaging has shown that none of the above claims made by the tobacco industry have any basis. Evidence refuting the tobacco industry's claims can be found on the Plain Facts website hosted by the Cancer Council Victoria. Please refer to the *Industry Opposition* section of the website at https://www.cancervic.org.au/plainfacts/industryopposition.

The most recent claim by the tobacco industry is that plain packaging has failed, as evidenced by a 'stalling' in smoking prevalence in adults in Australia. The industry has relied upon the latest results of the National Drug Strategy Household Survey (NDSHS) which shows a non-statistically significant drop in smoking prevalence from 2013 to 2016 from 12.8% to 12.2%.

The tobacco industry has failed to note the following:

- A ‘stall’ in any data set cannot be measured by one data point alone, as any suggestion that the fall in smoking rates has stopped in Australia would need at least two successive data points in order to a credible conclusion;
- The non-statistical drop in smoking prevalence between 2013 and 2016 was preceded by a record statistical drop in prevalence between 2010 and 2013 (15.1% to 12.8%). Had the 2013 figure been just half a percentage point higher, then changes between **both** 2010 to 2013 and 2013 to 2016 would have been significant;
- Plain packaging was not a stand-alone measure and there are many other tobacco control interventions (or lack thereof) that impact smoking prevalence. In particular, the Australian Government has massively decreased its spending on public education campaigns since 2013 and this is likely to have slowed down the rate of decline in Australia’s smoking prevalence; and
- Smoking rates among youth aged 12-17 years did decrease statistically significantly between 2011 and 2014.

As mentioned previously, a rigorous post-implementation review of plain packaging published by the Australian Government in 2016 concluded that one-quarter of all reduced smoking prevalence in Australia over the previous three years was attributable to plain packaging, including significant cessation – an over-achievement, given plain packaging was introduced primarily to discourage take-up.

Question 8: *Please include any other comments or concerns regarding the SP Proposal that you would like the Government to take into account.*

a. Reference to the World Health Organization Framework Convention on Tobacco Control

Any legislation drafted to implement Singapore’s SP proposal should include a direct 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’).

b. Restrictive sell through period

CCV submits that should the Government of Singapore introduce standardised tobacco packaging, it should adopt a restrictive ‘sell-through’ period on the same terms as those introduced by Norway, but for a shorter period of time.

<u>Terms of sell-through period</u>: CCV has been advised by Norway’s Helsedirektoratet that its standardised tobacco packaging came into effect on 1 July 2017, with a one year sell through period.[69] The terms of Norway’s sell-through period are:

- From 1 July 2017 the packaging and appearance of tobacco products on the market either cannot be altered, or must be in standardised packaging
- New product variants introduced after 1 July 2017 must be standardised packaging; and
- After 1 July 2018 all tobacco products must be in standardised packaging.

The Helsedirektoratet advises that products it discovered as being altered have been recalled and put back in the pre-1 July 2017 form.

Length of sell-through period: While the Norway sell through period is in effect for twelve months, the Australian experience demonstrates that it is possible for manufacturers and retailers to comply in a much shorter timeframe. In Australia, manufacturers were required to comply with plain packaging requirements by 1 October 2012 with retailers required to comply by 1 December 2012. This left eight weeks for the sell through of existing branded packs manufactured prior to 1 October 2012. Similarly, New Zealand is permitting a short sell through period of 12 weeks comprised of:

- six weeks for old stock to be distributed; and
- six weeks for that old stock to be sold.

CCV is not aware of any tobacco manufacturers who were not able to comply with Australian sell through period.

Recommendation 5:

The SP Proposal should include a restrictive sell-through period in which no new packaging is able to be introduced for a term not exceeding 8 weeks.

c. No distinctive filter colours or designs (e.g. grooves, hole or recess), where a filter is present.

We submit that filters should be standardized so as not to be able to be used as a decorative or promotional element. Once again, the introduction of brands with novel filters has occurred in Australia, which can be prevented in Singapore.

Picture 15: Examples of taste-flow filters instroduced in early 2016

Prohibition of novel filters could include elements that may not be visible such as ‘charcoal’ filters which have been demonstrated to mislead consumers about potential harm[70], filter venting which increases palatability of products[71] and newer innovations such as flavour capsules designed to be crushed to provide intense flavour, usually menthol.

[1] 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.

[2] *Tobacco Plain Packaging Act*. No. 148 2011; Available from: http://www.comlaw.gov.au/Details/C2013C00190

[3] Explanatory memorandum, *Tobacco Plain Packaging Bill 2011* (Cth), p. 1.

[4] www.aihw.gov.au/reports/illicit-use-of-drugs/ndshs-2016-detailed/contents/table-of-contents

[5] http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/Publishing.nsf/content/E9E2B337CF94143CCA25804B0005BEAA/$File/National-report_ASSAD_2014.pdf

[6] http://tobaccocontrol.bmj.com/content/24/Suppl_2/

[7] Department of Health. Tobacco plain packaging post–implementation review. 2016. Available from: https://ris.govspace.gov.au/2016/02/26/tobacco-plain-packaging/

[8] Chipty T. Study on the Impact of the Tobacco Plain Packaging Measure on Smoking Prevalence in Australia. Appendix 1 to Australian Government Post-Implementation Review Tobacco Plain Packaging. 2016. Available from: http://www.health.gov.au/internet/main/publishing.nsf/Content/study-pp-measure

[9] Cochrane, "New evidence finds standardized cigarette packaging may reduce the number of people who smoke", April 27, 2017. Available from: www.cochrane.org/news/new-evidence-finds-standardized-cigarette-packaging-may-reduce-number-people-who-smoke

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

[11] *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.2.1(3).

[12] *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.2.1(3A).

[13] *Tobacco Plain Packaging Regulations 2011* r 2.2.1(4).

[14][14] See relevant research summarised in the systematic review by Stead et al (2013) – *Is consumer response to pain/standardised packaging consistent with the FCTC guidelines.* See also, Moodie and Ford 2011, p. 177.

[15] 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>

[16] 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

[17] 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 .

[18] 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.

[19] 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].

[20] 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].

[21] 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.

[22] 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>

[23] *Smoke-free Environments Regulations 2017* Regulation 32(1)

[24] *Smoke-free Environments Regulations 2017* Regulation 32(2)

[25] *Smoke-free Environments Regulations 2017* Regulation 32

[26] *DIRECTIVE 2014/40/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, European Parliament, 3 April 2014

[27] *Article R3512-30, Public Health Code,* Government of France

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

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

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

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

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

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

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

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

[36] *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.1.3(3)(c).

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

[38] *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.2.1(4).

[39] *Tobacco Plain Packaging Regulations 2011* (Cth) r 2.3.9(1)(c)(iv).

[40] *Tobacco Plain Packaging Regulations 2011* (Cth) r 3.1.2(3)(f)

[41] 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.

[42] 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.

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

[44] 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.

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

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

[47] 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>

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

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

[50] 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

[51] 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.

[52] 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.

[53] 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.

[54] http://www.heraldsun.com.au/news/tobacco-giant-shrinking-size-of-some-cigarette-packs-as-smokers-to-be-hit-with-another-tax-rise/news-story/535e6f0188faad2317a570620e6b7b26?login=1

[55] *Smoke-free Environments Regulations 2017* (New Zealand)

[56] *Smoke-free Environments Regulations 2017* (New Zealand) r.44(1)

[57] *Smoke-free Environments Regulations 2017* (New Zealand) r.49(1)

[58] 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.

[59] 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.

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

[61] 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.

[62] 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.

[63] 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.

[64] Parr, V., Tan, B., and Miller, K., (2011) 'Market Research to Determine Effective Plain Packaging of Tobacco Products. Study 1: Perception of Cigarette Sticks', *GfK Bluemoon*, Available from: http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf

[66] Parr V., Tan B., Ell P., and Miller K., 'Market Research to Determine Effective Plain Packaging of Tobacco Products. Study 1: Perception of Cigarette Sticks' (section 11). Sydney, Australia: GfK Bluemoon, 2011. Available from: http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/8B0333A18648BCF3CA25796E0023D826/$File/Market%20Research%20-%20Plain%20Packaging%20of%20Tobacco%20Products.pdf

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[69] Email from Ramona Melanie Eichenberget, Norway Helsedirektoratet, to Michael McKiterick, Cancer Council Victoria, 3 March 2018.

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