



MINISTRY OF HEALTH
SINGAPORE

PROPOSED TOBACCO-CONTROL MEASURES IN SINGAPORE –
THE STANDARDISED PACKAGING PROPOSAL

Outcome of the 2018 Public Consultation and the Government’s Final Assessment

I. Introduction

1. Tobacco use is a significant public health problem in Singapore. The Government is committed to reducing the serious harm that smoking causes to individual Singaporeans and to the nation’s public health. Our long-standing public health objective is to promote and move towards a tobacco-free society. To this end, Singapore has adopted a multi-pronged approach to tobacco control. We further recognise that continuing efforts in tobacco control are necessary to sustain declines in the smoking rates, attain lower male smoking rates, and bring the overall smoking rate to a level that is as low as possible.

II. Background to the 2018 Public Consultation

(a) Tobacco control measures taken by Singapore to date

2. Over the years, Singapore has adopted a comprehensive, multi-pronged approach to tobacco control with the aim of, among others:
- Preventing/reducing the opportunities for non-smokers, particularly youths, to pick up smoking;
 - Encouraging smokers to quit; and
 - Encouraging Singaporeans to adopt a tobacco-free lifestyle.
3. Some of the measures adopted as part of this multi-pronged approach include:
- Banning smoking in certain public places;
 - Restrictions on tobacco advertising and promotion (e.g., ban on tobacco advertisements in print, TV, radio and on the Internet);
 - Imposing taxes on tobacco products;
 - Introducing mandatory graphic health warnings (“GHWs”) on tobacco product packaging;
 - Banning misleading descriptors such as “mild”, “low tar”, “light” and “ultra-light”;

- Implementing a point-of-sale display ban for tobacco products;
- Banning the sale, importation, purchase, use and possession of imitation tobacco products;
- Introducing and subsequently raising the minimum legal age at which tobacco products can be purchased;
- Public education initiatives on the harms of tobacco use (e.g., school education programmes, mass media advertisements); and
- Efforts to encourage tobacco-free living (e.g., QuitLine, “I Quit” programme).

(b) Public health burden of tobacco in Singapore

4. As a behavioural risk factor, tobacco use is the highest contributor to the burden of disease in Singapore. More than 2,000 Singaporeans die prematurely from smoking-related diseases¹ each year. The social cost of smoking in Singapore has been conservatively estimated to be at least S\$600 million² a year in direct healthcare costs and lost productivity.

5. Singapore has been introducing measures to control tobacco sales and advertising, and organising public information programmes on smoking since the 1970s. As a result of the Government’s efforts, smoking rates in Singapore fell from 23% in 1977 to 19% in 1984,³ and further to 12.6% in 2004.⁴ However, in recent years, a decline in smoking rates has been harder to sustain. The smoking rates have been fluctuating between 12% and 14% in the last 10 years, with no clear pattern of continuous decline.

6. Of particular concern is also the fact that there remains a sizable proportion of men (more than 1 in 5) who smoke daily. Singapore’s male smoking rate is higher than the rates in 13 OECD countries, including Australia, New Zealand, the United Kingdom and the United States.⁵ More needs to be done to achieve sustained improvements in the decline in the smoking

¹ Smoking-related diseases include cancers of the mouth, oesophagus, lung, larynx, pancreas, bladder, kidney, stomach and uterus; ischaemic heart disease; stroke; chronic obstructive pulmonary disease; Parkinson’s disease; and lower respiratory tract infections. See also Global Burden of Disease Study 2016.

² Based on Cher BP, Chen C, Yoong J. (2007). Prevalence-based, disease-specific estimate of the social cost of smoking in Singapore. *BMJ Open* 2017;7:e014377; using the 2014 conversion rate of US\$1 = SG\$1.25. Reported estimate for 2014 was US\$479.8 million.

³ Emmanuel SC, Chen AJ, Phe A. (1988). Cigarette smoking in Singapore. *Singapore Medical Journal*. 1988; 29:119-24.

⁴ Ministry of Health, Singapore. National Health Survey 2010.

⁵ This is based on a comparison between the rate of prevalence of daily smoking among Singaporean male residents aged 18-69 years (21.1%) derived from the National Population Health Survey 2017 Pilot Study and the

rates, attain lower male smoking rates, and bring the overall smoking rate to a level that is as low as possible.

7. Smoking is an addiction, and smokers often require multiple attempts before they can quit smoking successfully. As such, it is important to introduce tobacco-control measures that work to discourage non-smokers (particularly young Singaporeans) from starting smoking and that will also support current smokers in their journey to quit their smoking habits.

(c) Standardised packaging and large graphic health warnings as tobacco control measures

8. The World Health Organization (“WHO”) *Framework Convention on Tobacco Control* (“FCTC”) recognises the importance of addressing the labelling and packaging of tobacco products to reduce smoking uptake and prevalence. Specifically, under Articles 11 and 13, the FCTC recommends that parties should implement measures to reduce any misleading, advertising and/or promotional effects of tobacco product packaging and labelling. One such measure that the FCTC Guidelines for implementation of Article 11 of the FCTC call on parties to consider, is the elimination of the effect of advertising or promotion on packaging by restricting or prohibiting the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style (i.e., “standardised packaging”).⁶

9. The WHO has reviewed the evidence base for standardised packaging and concluded in a 2016 report that, “there is a large body of empirical evidence in the form of the results of experimental studies, surveys and focus group studies that provide an evidence base for introduction of standardised packaging. This empirical evidence suggests that standardised packaging makes health warnings, restrictions on tobacco advertising, promotion and sponsorship, and restrictions on misleading tobacco packaging more effective”.⁷

10. The WHO also stated in the same report that graphic health warnings (GHWs) “inform consumers and non-consumers about the risks associated with use of tobacco products and

OECD Health Statistics 2017 (available at: <http://www.oecd.org/els/health-systems/health-data.htm>; last accessed: 1 February 2018).

⁶ WHO FCTC Guidelines for Implementation (2013 edition) (“FCTC Guidelines”), pages 53-69. The FCTC Guidelines were adopted by the Conference of the Parties to the FCTC.

⁷ WHO. (2016). Plain packaging of tobacco products: evidence, design and implementation.

discourage tobacco consumption”. The WHO indicated that there was “a separate body of evidence, which suggests that the effects of health warnings increase with their size”, citing studies from Australia and Canada, and that “importantly, the evidence suggests plain packaging also has effects above and beyond those of large health warnings”. The Guidelines for implementation of Article 11 of the FCTC state that “given the evidence that the effectiveness of health warnings and messages increases with their size, Parties should consider using health warnings and messages that cover more than 50% of the principal display areas and aim to cover as much of the principal display areas as possible”.

11. Australia was the first country to introduce standardised packaging (which was accompanied by enlarging existing GHWs) in 2012. Since then, other countries have moved towards standardised packaging. Standardised packaging, together with enlarged mandatory GHWs, has been fully implemented in the United Kingdom and France. Ireland, New Zealand and Norway have also fully implemented standardised packaging measures. Hungary, Slovenia and Uruguay are at varying stages of implementation of standardised packaging, while Canada has recently concluded a public consultation on its draft specifications for its proposed standardised packaging measure. Burkina Faso, Thailand, Georgia, and Romania have passed enabling legislation for standardised packaging, but have yet to announce the date for full implementation. Other countries considering standardised packaging at the legislative or governmental level include Brazil, Chile, Ecuador, Panama, South Africa, Sri Lanka and Mauritius.

(d) The SP Proposal

12. The Government has been considering introducing the SP Proposal in Singapore. Broadly, the SP Proposal contemplates:

- The removal of all logos, colours, brand images, and promotional information on the packaging of tobacco products (other than brand names and product names displayed in a standard colour and font style); and
- An increase in the minimum size of the mandatory GHWs from the existing 50% to cover 75% of all specified tobacco product packaging surfaces.

13. The key draft specifications which may apply as part of the SP Proposal were set out in the *Public Consultation Paper on Proposed Tobacco-Control Measures in Singapore*

published by the Ministry of Health (“MOH”) on 5 February 2018 (the “Public Consultation Paper”) at paragraph 3.3.3 and Appendix 2.

14. The five public health objectives of the SP Proposal are to:

- Reduce the attractiveness of tobacco products;
- Eliminate the effects of tobacco packaging as a form of advertising and promotion;
- Reduce the ability of tobacco packaging to mislead about the harmful effects of smoking (including on the relative harmful effects between products);
- Increase the noticeability and effectiveness of GHWs; and
- Better inform smokers and non-smokers of the risks associated with tobacco use.

15. Ultimately, the SP Proposal is intended to operate alongside other existing and possible future tobacco-control measures (such as increased taxation and public education) to contribute towards meeting the Government’s obligations under the FCTC, promote public health through the reduction of the prevalence of smoking in Singapore, and thereby constitute a significant step towards Singapore becoming a tobacco-free society.

(e) Consideration of the SP Proposal and the 2018 Public Consultation

16. Beginning in 2010 and in the years following, MOH engaged in an extensive process of reviewing and evaluating the available international and local studies, research and evidence relating to standardised packaging and enlarged GHWs (“EGHWs”). The process involved MOH:

- Reviewing major international systematic reviews of the primary evidence for and against standardised packaging as and when they were published. These included the “Stirling Review”,⁸ “Chantler Report”,⁹ and “Hammond Report”,¹⁰ which are

⁸ The “Stirling Review” refers to the 2012 report of a United Kingdom-based panel, acting under the auspices of the Public Health Research Consortium, which reviewed the evidence on standardised packaging for tobacco products and found, *inter alia*, that there was strong evidence to support the proposed benefits identified by the FCTC in relation to the role of standardised packaging in helping to reduce smoking rates.

⁹ The “Chantler Report” was prepared for the United Kingdom’s Department of Health in 2014, and assessed the likelihood and nature of the impact that standardised packaging might have on public health, concluding, *inter alia*, that it was likely that standardised packaging would lead to increased negative feelings in smokers and potential smokers toward smoking; less misperception that some brands were less harmful than others; increased credibility of health warnings once conflicting brand messaging was removed; and weakened association of brands with positive traits and smoker identity.

¹⁰ Hammond, D. (2014). Standardized Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health.

international systematic reviews conducted by experts who critically considered the sufficiency, quality and reliability of the underlying primary evidence. MOH also reviewed the Australian government’s post-implementation review (“PIR”) report (and peer-reviewed studies on the same) after it was published in 2016. This report summarised the various studies and datasets examining the impact of the implementation of Australia’s plain packaging measure. Finally, MOH also reviewed the independent “Cochrane Review”,¹¹ which systematically looked at studies on standardised packaging from 1980 to January 2016 and assessed the effect of standardised packaging on the uptake, cessation and reduction of tobacco use.

- Reviewing more than 200 primary studies originating from multiple countries and across multiple disciplines that were cited in the international systematic reviews, and in the studies cited in those primary studies.
- Reviewing local studies conducted by the Health Promotion Board of Singapore (“HPB”) on Singaporeans’ perceptions of tobacco packaging and their reactions to mock-ups of prototypes with standardised packaging and different sizes of GHWs, and engaging independent experts to assess the robustness of these studies.
- Holding three sets of public consultations, as elaborated in paragraphs 17 to 24 below, and, following the responses from these public consultations, reviewing, in consultation with our experts, all submissions made to MOH on standardised packaging and/or EGHWs. This included considering the submissions against standardised packaging presented by the tobacco industry to MOH, as well as websites and reports cited by the tobacco industry in their submissions.
- Considering the evidence (in particular, peer-reviewed studies) pertaining to the effects of standardised packaging and EGHW measures after implementation in Australia, the United Kingdom and France. Further, following Australia’s announcement of its standardised packaging measure (which was accompanied by enlarging existing mandatory GHWs) in April 2010, MOH closely followed the developments leading to the passing of Australia’s standardised packaging legislation in 2012 and subsequently kept abreast of the legal cases that Australia

¹¹ McNeill, A, Gravelly, S, Hitchman, SC, et al. (2017). Tobacco Packaging Design for Reducing Tobacco Use (Review). John Wiley & Sons, Ltd.

was involved in in relation to standardised packaging, taking note of the evidence and submissions raised therein which were made available to MOH.

17. As regards the public consultations conducted by MOH, following preliminary studies undertaken by MOH's officers into standardised packaging, on 12 March 2015, MOH announced that the Government would be conducting a public consultation towards the end of 2015 on requiring the packaging of tobacco products to be standardised in Singapore. The public consultation ran for 12 weeks from December 2015 to March 2016 across multiple platforms (e.g., by online consultation, street intercept survey, and letters to the tobacco industry and stakeholders), and covered a suite of tobacco-control measures, including standardised packaging and EGHWs (the "2015/2016 Public Consultation"). A total of 3,810 responses were received in relation to standardised packaging and/or EGHWs. These included responses received from the tobacco industry, tobacco retailer associations and organisations known to work with or have been funded by the tobacco industry. Of those who responded in relation to standardised packaging and EGHWs respectively, 52% supported standardised packaging and 56% supported EGHWs as positive steps towards enhancing Singapore's tobacco-control measures.

18. Following the 2015/2016 Public Consultation, MOH carefully considered the submissions made by respondents to the consultation. Further studies, websites and reports, both for and against standardised packaging, which had been cited in the submissions were also carefully reviewed and considered as part of this process. Subsequently, MOH also reviewed the Australian Government's PIR report and peer-reviewed studies on the same, as well as the independent Cochrane Review, which systematically looked at studies on standardised packaging and assessed the effect of standardised packaging on the uptake, cessation and reduction of tobacco use.

19. Careful consideration was also given to the HPB's local studies into Singaporeans' perceptions of tobacco packaging and reactions to mock-ups of prototypes with standardised packaging and different sizes of GHWs.

20. Finally, in 2017, MOH engaged and consulted with experts in the fields of public health (Professor Chia Kee Seng, the former Dean of the Saw Swee Hock School of Public Health,

National University of Singapore (“Professor Chia”), and Associate Professor Caroline Miller, Director of the Population Health Research Group at the South Australian Health and Medical Research Institute (“Professor Miller”) and marketing (Associate Professor Ang Swee Hoon (“Professor Ang”) and Associate Professor Leonard Lee (“Professor Lee”), both from the Department of Marketing, National University of Singapore Business School), on the evidence in relation to standardised packaging and EGHWs. Their views were taken into account in arriving at MOH’s preliminary assessment of the evidence for and against the effectiveness of standardised packaging and EGHWs, and in arriving at the draft key specifications which may apply as part of the SP Proposal.

21. A list of all the evidence and materials that had been considered by the Singapore Government as at 5 February 2018 was published on that date, and may be found at <https://www.moh.gov.sg/proposed-tobacco-control-measures>.

22. After careful consideration of the broad range of international and local evidence for and against the effectiveness of standardised packaging and EGHWs, the feedback received (as of 2017) in relation to these measures, and having taken into account our experts’ advice on the same, the Government arrived at a preliminary assessment – subject to a further consultation process – that the SP Proposal could be an effective measure in meeting the five public health objectives outlined in paragraph 14 above, and would operate alongside other existing and future tobacco-control measures (such as increased taxation and public education) to contribute towards meeting the Government’s obligations under the FCTC, promote public health through the reduction of the prevalence of smoking in Singapore, and thereby constitute a significant step towards Singapore becoming a tobacco-free society.

23. On 5 February 2018, MOH published the Public Consultation Paper and commenced a further public consultation, which closed on 16 March 2018 (the “2018 Public Consultation”). The purpose of this consultation was to seek the views of interested individuals, businesses and organisations on the Government’s proposal to introduce the SP Proposal in Singapore. The Public Consultation Paper (which may be found at <https://www.moh.gov.sg/proposed-tobacco-control-measures>) sets out the Government’s rationale and proposal for the SP Proposal, as well as its preliminary assessment of the evidence for and against the effectiveness of the SP Proposal.

24. HPB also commissioned a further study in relation to the application of the SP Proposal to non-cigarette tobacco products, which was published (at <https://www.moh.gov.sg/proposed-tobacco-control-measures>) for public comment from 11 to 25 June 2018 (the “June 2018 HPB Study”).

25. Following the 2018 Public Consultation and the public consultation on the June 2018 HPB study, MOH carefully reviewed and considered all the responses and consulted with Professor Chia, Professor Miller, Professor Ang and Professor Lee to obtain their assessment of the feedback received. In addition, MOH engaged and consulted with two more experts:

- As some responses to the 2018 Public Consultation raised complex issues of econometrics, Professor Frank Chaloupka, a research professor in the Division of Health Policy and Administration of the University of Illinois at Chicago School of Public Health (“Professor Chaloupka”), was engaged to provide an assessment of the econometric evidence raised in the responses on the impact of standardised packaging on smoking prevalence and tobacco consumption in Australia¹², the United Kingdom and France.
- Given the complex public health issues involved, Professor Geoffrey Fong, Professor of Psychology and Health Studies at the University of Waterloo (“Professor Fong”), was engaged to provide an independent review and critique of all the scientific evidence relevant to the consideration of the SP Proposal (including the reports of our other experts), and to give an independent assessment of whether there is a reasonable basis for the Government to conclude that the SP Proposal will effectively meet its five public health objectives (in paragraph 14) and contribute to the outcomes set out in paragraph 15.

26. In all, MOH has, from 2010 to 2018, carefully reviewed and considered over 200 primary studies, reviews and materials relating to standardised packaging and EGHWs. They have originated from a wide range of sources and countries, and involved various disciplines (e.g., public health, marketing, psychology, economics, econometrics). This exercise has been undertaken not only by ourselves, but in consultation with eminent local and international

¹² In particular, this included an analysis of the Roy Morgan Single Source (RMSS) data on smoking prevalence in Australia and an analysis of Nielsen and IRI-Aztec retail data in Australia and New Zealand which was presented by British American Tobacco Sales & Marketing Singapore Pte Ltd in the 2018 Public Consultation and which is discussed further at paragraph 44 below.

experts in various fields, whose views have also been taken into account in arriving at the Government's final assessment of the SP Proposal. An updated list of all the evidence and materials considered by the Singapore Government in arriving at its final assessment may be found at <https://www.moh.gov.sg/proposed-tobacco-control-measures>.

III. Responses to the 2018 Public Consultation

27. The Government received a total of **97** responses to the 2018 Public Consultation through different channels, including e-mails, post and via the Government's online feedback unit "REACH". These responses were from members of the public, the WHO, foreign governments, non-governmental organisations, business associations, and tobacco and other related industries. The Government has made copies of all these responses available at <https://www.moh.gov.sg/proposed-tobacco-control-measures>.

28. The following is a brief summary of the main points made in response to the 2018 Public Consultation.

(a) Points made in responses supporting the SP Proposal

29. Amongst the respondents who supported the SP Proposal, reasons given included views that:

- The international evidence in support of standardised packaging was robust and applicable to Singapore;
- The SP Proposal was likely to be effective in meeting its policy objectives stated in the Public Consultation Paper and would contribute to further reducing smoking prevalence in Singapore; and
- Adopting the SP Proposal would be in line with Singapore's obligations under the FCTC.

30. With respect to EGHWs in particular, feedback was given that the SP Proposal would increase the effectiveness of GHWs, as the effects of GHWs were known to increase with their size. The available evidence also suggested that, through the removal of colours and designs, standardised packaging had effects above and beyond those of EGHWs.

31. Several respondents took the view that the SP Proposal should be applied to all tobacco products (not just cigarettes) and gave suggestions for how the SP Proposal could be further improved to better achieve its stated objectives. These suggestions included regulating package lining and colours of the internal packaging, brand and variant names, as well as the dimensions, colours and design of the stick or tobacco product.

(b) Points made in responses against the SP Proposal

32. Respondents who did not support the SP Proposal generally argued that the SP Proposal's efficacy should be evaluated solely on the basis of whether it would have a measurable impact on reducing smoking prevalence. In this regard, they argued that the SP Proposal would not be effective in reducing smoking prevalence, citing, among others, a range of Australian data sources (including Roy Morgan Single Source (RMSS) data) as well as tobacco consumption data from the United Kingdom and France. They also contended that the SP Proposal would not achieve its objectives, as:

- Rather than make tobacco products less attractive, the SP Proposal would generate a “forbidden fruit” effect which would increase the appeal of tobacco products to youth;
- Reducing the attractiveness of tobacco product packaging would not reduce the appeal of tobacco products;
- Branded packaging was not a form of promotional advertising, and branding did not promote the generic act of consumption. It followed that the SP Proposal would not eliminate the effects of tobacco packaging as a form of advertising and promotion;
- Consumers were not misled about the harmful effects of smoking as awareness was high and current laws in Singapore already addressed misleading claims. There was no information deficit that needed to be addressed; and
- The SP Proposal was unlikely to have any significant impact on smokers' beliefs and could instead frustrate the efficacy of GHWs by causing smokers to become defensive and react against or reject GHW messages.

33. A few respondents took the view that the SP Proposal would increase downtrading to cheaper tobacco products, as well as result in an increase in illicit trade. It was also argued that even if the SP Proposal could increase noticeability of GHWs, it would still not have an impact

on actual smoking behaviour, as there is no information deficit amongst Singaporean smokers on the harms of smoking, and noticing GHWs more would not necessarily mean that there would be resulting differences in smoking behaviour.

34. Some of the submissions received also raised arguments with respect to Singapore's obligations under various international treaties including bilateral investment treaties. One such argument was that the introduction of the SP Proposal would breach Singapore's obligations under Article 7 of the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") and/or the Technical Barriers to Trade Agreement. Another was that the SP Proposal would also violate the ASEAN Framework Agreement on Intellectual Property Cooperation.

35. None of the responses against the SP Proposal commented on the proposed restriction on the use of markings except for the "SDPC"¹³ marking on cigarette sticks.

36. Finally, a few respondents argued that the SP Proposal should not be applied to non-cigarette tobacco products, as consumers of such products typically had a very different profile from that of cigarette smokers.

(c) Alternatives to the SP Proposal

37. A few respondents offered suggestions to regulate the shape, size and look of tobacco products and packaging as an alternative to the SP Proposal. For example, some suggested only enlarging existing GHWs to 65% or 75% of tobacco product packaging without requiring standardised packaging; others suggested that trademarks on tobacco packaging could be retained but reduced in size, with a view to helping retail staff differentiate products easily. Philip Morris Singapore Pte Ltd ("PMS") suggested standardising only part of the package (e.g., front and back face), while allowing branding on the other sides (the "PMS Alternative").

38. In addition, a number of respondents suggested alternative methods that could be adopted to reduce smoking prevalence in Singapore, such as allowing imitation and other new/emerging tobacco products into Singapore; enhancing public education; increasing

¹³ This refers to the Singapore Duty-Paid Cigarette mark. Since 1 January 2009, all individual sticks of cigarettes meant for sale and consumption in Singapore are required to bear the SDPC mark according to specifications in the Customs regulations.

taxation; providing greater incentives to non-smokers to continue to not smoke; and increasing the penalties and enforcement of existing tobacco-control measures.

IV. The Government’s assessment of the responses pertaining to the efficacy of the SP Proposal

39. The Government has carefully considered all the responses received (including but not limited to the above-highlighted points), and sought advice from our experts on the same.

40. The question is whether the totality of the evidence supports the Singapore Government adopting the SP Proposal to achieve the objectives and outcomes set out in paragraphs 14 and 15 above.

41. As pointed out in the Public Consultation Paper, the SP Proposal is based on a wide and deep body of international and local evidence that demonstrates the likely efficacy of the SP Proposal in achieving its public health objectives of reducing the attractiveness of tobacco products, eliminating the effects of tobacco packaging as a form of advertising and promotion, reducing the ability of tobacco packaging to mislead about the harmful effects of smoking, increasing the noticeability and effectiveness of GHWs, better informing smokers and non-smokers of the risks associated with tobacco use, and contributing towards meeting the Government’s obligations under the FCTC. These are all substantial and important outcomes, and valuable public health objectives in their own right. Their achievement would constitute a significant contribution to Singapore’s tobacco control program.

42. In addition, these objectives in turn, separately and together, and in conjunction with other tobacco-control measures (including education), contribute to achieving broader tobacco-control aims such as discouraging non-smokers from picking up smoking, encouraging smokers to quit, and encouraging Singaporeans to adopt a tobacco-free lifestyle, which will lead ultimately to positive future public health outcomes such as reduced smoking prevalence. One way of representing this additional effect is by the so-called “mediational model”¹⁴.

¹⁴ The “mediational model” describes how the SP Proposal has the potential to lead to an ultimate positive impact on public health outcomes. Through the “mechanisms” of the SP Proposal (i.e., achievement of the five public health objectives), there is potential for a causal or contributory influence on the broader aims of Singapore’s tobacco control programme (i.e., to discourage non-smokers from picking up smoking, encourage smokers to quit, and encourage Singaporeans to adopt a tobacco-free lifestyle), which would ultimately lead (alongside other tobacco-control measures) to positive short-term and longer-term public health outcomes (e.g., a reduction in smoking prevalence).

43. Many responses to the 2018 Public Consultation showed a misunderstanding of the scientific evidence underpinning the SP Proposal, and of how the SP Proposal would potentially have a larger positive impact on future public health outcomes (for example, as represented by the mediational model). Specifically, some of them sought to challenge the likelihood of the SP Proposal achieving the five public health objectives set out in paragraph 14, or the likelihood of the SP Proposal achieving its broader aims. These responses fail to recognise the various mechanisms by which the SP Proposal is designed to achieve the valuable public health objectives set out above. In addition, they fail to recognise that the SP Proposal does not stand alone. Rather, it is intended to operate alongside other existing and possible future tobacco-control measures (such as increased taxation and public education) to achieve its broader aims. Also, some of the assertions, assumptions, models and facts raised in the responses are erroneous and/or not supported by evidence or logical reasoning.

44. The Government has carefully considered the evidence on standardised packaging and EGHWs, and the criticisms of the evidence expressed in the 2018 Public Consultation feedback. We have conducted our own independent critique of the evidence and the criticisms thereof. In this regard, we also note that the World Trade Organization (“WTO”) Panel that heard the disputes brought against Australia in respect of its standardised packaging measures (the “WTO Panel”) has recognised that the Stirling Review and Chantler Report,¹⁵ which were reviews of the wider body of studies and reports on standardised packaging, did not uncritically accept the primary studies, but took care to evaluate the quality of the primary studies. The Government also commissioned an independent analysis of the RMSS data on smoking prevalence in Australia made available to MOH by British American Tobacco Sales & Marketing Singapore Pte Ltd (“BAT”), and considered empirical data pertaining to the impact of standardised packaging where it was available. In the Government’s assessment, the criticisms reflected in the 2018 Public Consultation responses do not undermine or qualify the totality of the evidence underpinning the SP Proposal.

45. The Government has also carefully considered and acknowledges the possible costs and impact that may be experienced by the tobacco and related industries as a result of the

¹⁵ Both the Stirling Review and Chantler Report involved a comprehensive review of the evidence on standardised packaging (see footnotes 8 and 9 above). Our experts in public health, Professor Chia and Professor Miller, critiqued the Stirling Review and Chantler Report and found their findings to be reliable and credible.

introduction of the SP Proposal. However, it is of the view that the positive public health objectives and outcomes that the SP Proposal is expected to achieve warrants its introduction. The key elements in the Government’s thinking are set out in the following sections.

(a) The SP Proposal is likely to meet its objectives

i. Reduce the attractiveness of tobacco products

46. The preponderance of evidence favours the view that the SP Proposal would have the effect of reducing the attractiveness of tobacco products. Numerous studies have shown that standardised packaging: makes packaging less attractive; lowers the perceived quality of the product; lowers the likelihood of positive perceptions and expectations of taste of the product; and lowers the positivity of the perceived identity and personality characteristics of the user of the product. The evidence also suggests that EGHWs would reduce the appeal and attractiveness of tobacco products by generating negative emotional reactions about smoking and by taking up space on the package that could otherwise be used as a “mini-billboard” for branding, and that this effect will increase as the size of GHWs increases.

47. As regards the argument made in the feedback that the SP Proposal would generate a “forbidden fruit” effect, making tobacco products more, not less, attractive to youths, the Government’s assessment is that this is unlikely to be the case as: (i) the SP Proposal is not specifically targeted at restricting youth access to tobacco products, so it is not logical to expect that the SP Proposal would generate a “forbidden fruit” effect amongst youths; and (ii) the post-implementation evidence from Australia indicates that the introduction of standardised packaging there resulted in an increase in support for standardised packaging among youths and a reduction in the appeal of cigarettes amongst adolescents.

48. As for the argument that reducing the attractiveness of packaging is not the same as reducing the appeal of the tobacco products themselves, the evidence suggests that the appeal of packaging is linked to the appeal of a product. Evidence from numerous studies, including from Australia following the implementation of standardised packaging, demonstrated that standardised packaging reduced the appeal of both the packaging and the product. The link between the attractiveness of the packaging and the perception of the product contained within the packaging is also supported by the attention and resources devoted by the tobacco industry to the design and development of tobacco product packaging (as described in the industry’s

internal documents). It is the Government's assessment that changes in consumption can occur as a result of reducing overall product appeal.

ii. *Eliminate the effects of tobacco packaging as a form of advertising and promotion*

49. We accept the opinion of our experts that package design is a powerful tool for marketing and promotion, and tobacco packages are designed and created to communicate positive appealing characteristics to consumers. While branded packaging is not paid advertising in mass media, it is, like advertising, a form of marketing communication with the ability to attract attention and influence perceptions. Our experts also noted that tobacco industry documents cited in several studies showed that tobacco companies view packaging as part of their promotional marketing communications campaign. For tobacco products, as with other consumer products, the product package is a critically important route through which brand identity is communicated from the company to consumers, and from the consumer to potential future consumers. Branding (as expressed through package design) does not merely help to differentiate brands and encourage "brand-switching" – it contributes towards expanding the product's overall market. This is especially the case in "dark markets" such as Singapore, where there are comprehensive bans on tobacco advertising, promotion, and sponsorship. Given that tobacco packaging serves as a form of advertising and promotion, the SP Proposal will eliminate such effects of tobacco packaging. The effectiveness of introducing standardised packaging alongside EGHWs would be compromised if some branding (such as trade marks) is retained on tobacco packaging. The Government's view is therefore that the alternative suggestions for regulating the shape, size and look of tobacco products and packaging, in lieu of the SP Proposal, ought not to be adopted.

iii. *Reduce the ability of tobacco packaging to mislead about the harmful effects of smoking (including on the relative harmful effects between products)*

50. While Singapore presently bans the use of misleading descriptors on tobacco product packaging, this does not extend to regulating the colour or shape of tobacco product packaging. Studies conducted/commissioned by HPB shows that colours and packaging shape contribute towards consumer misperceptions that tobacco products packaged in a certain way are apparently "light" or "mild" and therefore relatively less harmful. These findings are consistent with the preponderance of international evidence showing an association between packaging and consumer perceptions of relative harm. It is also supported by tobacco industry internal

documents. There is good evidence that the SP Proposal, by increasing the size of existing GHWs and complementing these with the addition of standardised packaging, would reduce such false beliefs by removing visual and design cues (such as package graphic design and package structure) that could lead to erroneous perceptions about the relative harmfulness between tobacco products.

iv. *Increase the noticeability and effectiveness of GHWs*

51. The extent to which people read, think about and act on health warning labels depends on their size, position, content and design. The evidence suggests that larger picture warnings are more likely to be noticed, are rated as more effective by smokers, are more likely to be salient over time, better communicate risks of tobacco use, provoke more thoughts about the health risks of tobacco use and about cessation, increase motivation and intention to quit, are associated with more attempts to quit, disrupt the brand imagery on packaging and decrease the overall attractiveness of tobacco product packaging.

52. There is strong evidence that standardised packaging can increase the effectiveness of GHWs by: (i) preventing package designs that would otherwise reduce the prominence and effectiveness of GHWs; and (ii) reducing the visual salience of branding and increasing the visual salience of GHWs, along with cognitive and emotional responses to health warnings. Studies conducted since the implementation of standardised packaging in Australia have demonstrated such increased salience, cognitive responses and emotional responses. Thus, contrary to claims by some respondents that standardised packaging would cause smokers to become defensive and reject GHW messages, we consider that the evidence does not show that most smokers would react in such manner. Rather, studies have shown an increase in avoidant behaviours and no changes in perceived exaggeration of the harms of smoking.

v. *Better inform smokers and non-smokers of the risks associated with tobacco use*

53. As stated above, there is a wealth of international and local evidence supporting the conclusion that larger GHWs are more effective in communicating the harms of smoking and discouraging tobacco consumption. There is also evidence to suggest that while most Singaporeans are generally aware of the risks of smoking, this does not necessarily translate to an accurate understanding of those risks, particularly amongst the young. Young smokers, including young Singaporean smokers, are particularly likely to underestimate the severity of the potential consequences of smoking. Most smokers also do not have an accurate

understanding of the different diseases (other than lung cancer) or premature mortality that can be caused by smoking. An accurate understanding of a broad range of risks among the population is important to discourage initiation and motivate cessation, as different people at different life stages may place different value on the various harms of smoking. For example, a mother-to-be may place greater importance on the harms to unborn babies while young men may be more concerned about impotence. Based on the evidence, it is the Government's assessment that the SP Proposal, by increasing the size of GHWs from 50% to 75% and removing glamorising elements from tobacco packaging, is likely to be effective in better communicating the harms of smoking and hence discouraging tobacco consumption.

54. Overall, the Government's assessment is that there is convincing evidence that the SP Proposal is likely to achieve its stated public health objectives and that nothing that was received in the responses to the 2018 Public Consultation displaces the wealth of evidence that was considered and assessed by the Government prior to the 2018 Public Consultation.

55. In reaching this position, the Government has taken into account both aspects of the SP Proposal, namely standardised packaging and increasing the size of GHWs, and taken a view on their potential effectiveness both independently and together.

56. As stated, each of these public health objectives constitutes a substantial and important outcome, and is valuable in its own right. Achievement of any one would constitute a significant contribution to Singapore's tobacco control program. Beyond these outcomes, however, the SP Proposal also has the potential for a wider impact, as set out below.

(b) The SP Proposal is likely to have an impact on smoking prevalence

57. As previously stated, the five public health objectives of the SP Proposal are intended, separately and together, and in conjunction with other tobacco-control measures (including education), to contribute to achieving Singapore's broader tobacco-control aims, which include a reduction in smoking prevalence.

58. Non-behavioural, psychological variables such as attitudes, beliefs, perceptions, cognitive responses, emotional responses, salience of information (when presented to a potential consumer) and measures of memory are important variables in predicting and understanding consumer behaviour. Most major models of consumer behaviour posit that

marketing efforts influence psychological variables within the person which, in turn, cause changes in future behaviour. There is a long history of research in consumer behaviour using and relying upon such non-behavioural variables to describe consumer behaviour. The tobacco industry itself has conducted many studies on how certain features of cigarette brands are being perceived by consumers, what kinds of beliefs those consumers have about brands, what their attitudes towards those brands are, etc., and applied those findings to developing product packaging.

59. The SP Proposal can be expected, therefore, to impact consumer behaviour by working to impact attitudes, beliefs, perceptions and intentions: namely, by reducing positive perceptions of product quality, attractiveness, taste expectations, user identity and personality characteristics; reducing the communication of positive appealing characteristics of branding to consumers; reducing false beliefs about harm; increasing salience, cognitive responses and emotional responses to health warnings; and improving understanding of the harms of smoking.

60. In addition, there is considerable evidence that marketing and promotional activities are associated with increased smoking prevalence. Because tobacco product packaging is an important part of the tobacco industry's overall advertising and promotion strategy, particularly in "dark markets" like Singapore, it is reasonable to conclude that the SP Proposal has the potential to lead to reduced smoking prevalence, through lowering the appeal and attractiveness of tobacco products, eliminating the marketing and advertising effect of tobacco products, reducing the ability of tobacco packaging to mislead about the harmful effects of smoking, increasing the noticeability and effectiveness of GHWs and better informing smokers and non-smokers of the health risks associated with tobacco use. It is therefore highly relevant to consider the evidence pertaining to the SP Proposal's direct effects on consumers' attitudes, beliefs and perceptions towards tobacco products, which potentially have an effect on behaviour and hence smoking prevalence. In this regard, the Government notes that standardised packaging has been found to be effective in discouraging smoking initiation amongst non-smoking adolescents. To the extent that the SP Proposal reduces smoking initiation, it is likely to contribute positively to a reduction in smoking prevalence in the long run.

61. In assessing whether the SP Proposal is likely to have an impact on smoking prevalence, it would also be myopic and inadvisable to focus only on the *empirical data* on smoking prevalence in countries which have implemented standardised packaging, as suggested in some of the feedback provided in response to the 2018 Public Consultation. While overall population smoking prevalence trends are monitored via national surveys, multiple factors can impact smoking prevalence trends. As three of the five objectives of the SP Proposal relate to the removal of advertising and promotional influences, reduction of product attractiveness and reduction of misleading perceptions, time will be needed for the impact of pre-existing influences and perceptions to fade. As smoking prevalence relates to a large pool (or “stock”) of current smokers compared with a smaller number of new entrants to the pool or quitters exiting the pool (i.e. “flow”), incremental reductions in initiation and incremental cessation will take time to show up in measurements of prevalence.

62. As multi-pronged, complementary tobacco-control interventions are recommended as best practice, isolating the impact of any one tobacco-control policy intervention in a population is challenging, and requires large, granular datasets collected over a prolonged period. The Government has carefully considered the various Australian, the United Kingdom and French datasets and accompanying analyses cited in the 2018 Public Consultation feedback and took into account the analysis of Professor Chaloupka, supported by Professor Fong, as indicating that in so far as reliable indications can be drawn from the experience in Australia and France, these are consistent with or positively supportive of the likely beneficial effects of the SP Proposal.

63. It is notable that the WTO Panel had found that the downward trend in overall smoking prevalence in Australia appears to have accelerated in the period following the introduction of standardised packaging in Australia. The WTO Panel Report further observed that, although it is not possible to distinguish between the impact of standardised packaging and the impact of EGHWs on the basis of the empirical evidence submitted to it, there is some econometric evidence suggesting that the standardised packaging measure, together with EGHWs implemented at the same time, contributed to the reduction in overall smoking prevalence, including cigar smoking prevalence, since their entry into force. The analysis carried out by Professor Chaloupka on behalf of the Government supports the WTO Panel’s conclusions.

(c) Suggestions to improve the SP Proposal

64. The Government will consider the suggestions received for regulating the package lining and colours of the internal packaging, the dimensions, colours and design of the stick or tobacco product, and the length of brand and variant names, in arriving at its proposed detailed specifications for the SP Proposal. However, broader suggestions to regulate brand names and brand variants are outside the scope of the SP Proposal, and these will be considered by the Government separately.

V. Assessment of alternatives to the SP Proposal

65. The Government has also carefully considered the various measures that have been suggested as alternatives to the introduction of the SP Proposal. The following is a brief summary of the Government's assessment of the main alternative measures proposed.

(a) Proceeding with EGHWs alone

66. Evidence suggests that while standardised packaging and EGHWs would independently have the effect of reducing the attractiveness and therefore demand for tobacco products, the *lowest* demand can be achieved by combining the two measures. Further, the implementation of EGHWs alone is unlikely to be sufficient to meet all of the Government's policy objectives for implementation the SP Proposal – in particular, it would not meet the Government's stated objective of eliminating the effects of tobacco packaging as a form of advertising and promotion. After considering the comments received and consulting with our experts, it remains the Government's assessment that standardised packaging and EGHWs should be implemented together as part of a single SP Proposal in order to achieve the greatest reduction in demand for tobacco products.

(b) Other alternatives

i. The PMS Alternative

67. PMS has suggested that, while the front and back of the cigarette pack can carry EGHWs and be void of graphic trademarks, it should be permitted for graphic trademarks and other distinguishing marks/information to be retained on the sides, top and bottom of the cigarette pack. Having carefully considered the PMS Alternative, the Government is of the view that the PMS Alternative would not be sufficient to meet its public health objectives. International studies suggest that standardised packaging featuring large graphic health

warnings are significantly more likely to promote cessation among young adult smokers, compared to fully or partially branded packaging. Further studies have also shown that removing an increasing proportion of branding and design elements from tobacco packaging made packs and tobacco products increasingly less attractive and reduced associations with positive smoker attributes.

68. Permitting the retention of some advertising and branding space on cigarette packs is likely to undermine the purpose of standardised packaging on four fronts – in reducing the appeal of tobacco products, in increasing the noticeability and effectiveness of health warnings, in reducing the tendency to mislead on the harmful effects of smoking arising from packaging, and in eliminating the effects of tobacco packaging as a form of advertising and promotion. In particular, permitting the retention of advertising and branding on the sides of the pack weakens the effect of standardised packaging in minimising the role of cigarette packs as an advertising and promotion tool. Over the course of the 2018 Public Consultation, no evidence was presented to prove that the PMS Alternative would be as effective as the SP Proposal in meeting the Government’s policy objectives.

ii. *Reversal of the ban on imitation tobacco products and other new/emerging tobacco products*

69. Imitation and other new/emerging tobacco products are presently not allowed in Singapore on account of the need to protect the public from the known and unknown health risks associated with the consumption of such tobacco products. Such health risks may include possible tissue injury and disease, lung cancer, heart disease, lung disease, nicotine dependence and adverse effects on infant and adolescent brain function and development.

70. The prohibition is also intended to ensure that such products do not stimulate demand by becoming entrenched, and to prevent these products from becoming ‘gateway’ or ‘starter’ products on the path to smoking cigarettes for non-smokers. Currently, evidence on the role of imitation/emerging products such as e-cigarettes in aiding smoking cessation and reducing harm is limited, while there is evidence that e-cigarettes have the ability to appeal to non-smokers, including the young, and in some cases, increase the likelihood of users progressing to cigarette smoking or to continue with dual use of e-cigarettes and cigarettes. Given this, the Government is not inclined to reverse its current policy, but will continue to monitor the evidence pertaining to the safety and efficacy of e-cigarettes as a tool for smoking cessation.

We do not rule out allowing particular imitation or other new/emerging tobacco products to be registered and regulated under the Health Products Act as a therapeutic product for smoking cessation, if sufficient evidence emerges to support this.

71. In any case, whether to allow imitation or other new/emerging tobacco products in Singapore is a wholly separate issue from the SP Proposal. This is because such an approach would leave in place the advertising and promotional, and misleading, aspects of tobacco product and retail packaging that the SP Proposal is intended to address, and would not achieve the public health objectives of the SP Proposal. Nor would it have any effect on increasing the noticeability and effectiveness of GHWs. In short, allowing imitation and other new/emerging tobacco products in Singapore would not be an effective substitute for the SP Proposal.

iii. *Education, taxation and other alternative proposals*

72. While the Government acknowledges that enhanced public education and increased taxation are both effective and valid instruments of tobacco control, it is the Government's view that they are not substitutes for the SP Proposal.

73. Increased taxation would necessarily leave in place those aspects of tobacco product and retail packaging that the SP Proposal is intended to address as part of the Government's comprehensive, multi-pronged approach to tobacco control. In particular, it is not likely to address aspects of the appearance of tobacco products and their retail packaging which the SP Proposal will address by reducing the attractiveness and appeal of tobacco products, eliminating the effects of tobacco packaging as a form of advertising and promotion, and reducing the ability of tobacco packaging to mislead about the harmful effects of smoking. Nor would it affect the effectiveness of GHWs.

74. It also is unlikely that enhanced public education can serve as a substitute for the SP Proposal. The role that tobacco packaging plays in advertising and promoting tobacco products and smoking has been discussed above. In the absence of a measure such as the SP Proposal, consumers are and will be faced with messages on tobacco products and their retail packaging which may potentially undermine the effectiveness of any enhanced public education initiatives on the harms of tobacco use. In the Government's assessment, enhanced public education is

more likely to be an effective measure to reduce smoking prevalence if it is implemented as part of a multi-pronged strategy of tobacco control that includes the SP Proposal.

75. The WTO Panel on challenges to Australia's standardised packaging measures reached similar conclusions to those outlined in the paragraphs above.

76. Because the Government maintains a comprehensive, multi-pronged approach to tobacco control, the SP Proposal is intended to operate alongside other existing and future tobacco-control measures. The Government will continue, therefore, to explore and use other methods of reducing smoking prevalence in Singapore, in addition to the SP Proposal, and will consider the suggestions to enhance public education, increase taxation, and otherwise incentivise the non-use of tobacco products etc. as part of our broader strategy to promote a smoke-free society.

VI. Responses to other objections and concerns

77. The Government has carefully weighed the anticipated benefits of the SP Proposal against potential impacts on industry, retailers and consumers etc., and our conclusions below were reached after taking all these into account.

(a) The SP Proposal will not place Singapore in breach of its international treaty obligations

78. Some of the responses claimed that the SP Proposal would:

- Not be consistent with Singapore's obligations under TRIPS, the Technical Barriers to Trade Agreement and/or the ASEAN Framework Agreement on Intellectual Property Cooperation; and
- Not be consistent with Singapore's obligations under its bilateral investment treaties with other countries.

79. The Government has carefully considered these arguments and remains of the view that the SP Proposal would be consistent with Singapore's international obligations. In particular, with respect to Singapore's international obligations in relation to intellectual property rights, the Government has concluded that the SP Proposal is consistent with the same. Under the various treaties cited, tobacco companies' trademark rights do not give them absolute rights to use their trademarks. Instead their rights are subject to legitimate government regulation. In

this regard, it is worth noting that the WTO Panel found that Australia's introduction of standardised packaging measures was not inconsistent with its international obligations under TRIPS and the Technical Barriers to Trade Agreement.

80. The Government maintains its strong commitment to the protection of intellectual property rights. To give further assurance to the tobacco industry that standardised packaging will not affect their ability to otherwise maintain and enforce their intellectual property rights, the Government will propose legislative amendments to make it clear that the introduction of the SP Proposal will not form a ground for refusal for registration, or invalidity/revocation of a tobacco-related registered trade mark or design under the Trade Marks Act (Cap. 332) and the Registered Designs Act (Cap. 266).

(b) The SP Proposal will not result in an increase in illicit trade of tobacco products

81. Smuggling of contraband (genuine but non-duty paid) cigarettes is an issue in Singapore, but this is not related to the packaging of tobacco products and is unlikely to be affected by the introduction of the SP Proposal. Counterfeit products do not comprise a significant proportion of the illicit cigarette seizures. As for the possibility of increased illicit trade in counterfeit products due to the introduction of the SP Proposal, the Government's assessment is that due to the small Singapore market for cigarettes, syndicates and counterfeit cigarettes manufacturers would not be incentivised to counterfeit cigarettes for sale in Singapore. Based on Singapore Customs' published statistics, the claim made in the 2018 Public Consultation feedback that the seizures of illicit cigarettes in Singapore almost doubled in 2017 from 2016 is untrue¹⁶.

82. No new evidence has been submitted in the feedback to the 2018 Public Consultation to show that the SP Proposal is likely to result in an increase in illicit trade (whether in contraband or counterfeit cigarettes) in Singapore. Notably, much of the evidence that was submitted to the public consultation feedback was also submitted to the WTO Panel, which subjected the evidence to a detailed review and concluded that it did not demonstrate that the introduction of standardised packaging in Australia had led to increased trade or consumption

¹⁶ Singapore Customs. Enforcement Statistics. Last updated on 26 Sep 2018. Available at: <https://www.customs.gov.sg/news-and-media/publications/statistics>

of illicit tobacco so as to undermine standardised packaging's contribution to the objective of improving public health. As such, it remains the Government's assessment that the introduction of the SP Proposal is unlikely to materially contribute towards an increase in illicit trade in tobacco products in Singapore.

(c) The SP Proposal will not result in increased “downtrading” and a corresponding increase in tobacco consumption

83. Downtrading describes a phenomenon in which there is a shift from more expensive tobacco product brands to lower-priced alternatives in a market. The tobacco industry has contended that standardised packaging will result in this phenomenon, which will in turn lead to an increase in overall tobacco demand/consumption because consumers buy more products when prices are lower.

84. The Government notes that this shift towards lower-priced tobacco products in the Australian market was observed even before the introduction of standardised packaging, and is observed in all high-income countries (not just Australia) as smoking prevalence decreases. Much of this is attributable to pricing strategies of the tobacco industry itself, which has been known to increase the price differential between low and higher-priced brands when passing on tax increases to the consumer.

85. It is the Government's assessment that any acceleration in trends towards downtrading in Australia following the implementation of plain packaging is likely to be largely attributable to the actions of the tobacco industry in differentially passing on the increases in taxes in the years following the implementation of standardised packaging. Correspondingly, the contribution of standardised packaging to downtrading is likely to only be a modest one. Any impact that downtrading may have on increasing overall demand may also be addressed by policy measures to increase the absolute price (and hence reduce affordability) of low-price brands, for example by increasing tobacco taxes.

(d) Other concerns pertaining to the SP Proposal

86. In the Government's assessment, the SP Proposal is not likely to give rise to long-lasting difficulties on the part of retailers or result in a long-term and significant adverse impact on productivity. Evidence from Australia supports this position. While there may be some sales

staff or small business owners who are not literate in English and may find it more challenging to distinguish between tobacco products on the basis of brand and variant name alone, there are other ways to help this group in a way that allows the public health objectives of the SP Proposal to be met at the same time. For example, retailers are now permitted under the point-of-sale-display ban to show a price list to customers in order to allow the customers to choose their tobacco products. It would be possible to assign numbers to each listed product that would correspond to numbered compartments where the tobacco products are stored. This would eliminate the need to distinguish between tobacco products on the basis of brand and variant name alone, at least at the point of sale.

87. Concerns over the supposed dangers of a “slippery slope” from applying the SP Proposal to tobacco products to applying standardised packaging to other non-tobacco products are not credible. The Government has no present plans to apply standardised packaging to any products other than tobacco products.

VII. The Government’s final assessment and decision on the SP Proposal

88. After carefully considering the potential benefits of introducing the SP Proposal, the potential impact on tobacco and other industries, the responses to the 2018 Public Consultation (including the new studies submitted), as well as seeking the views of experts in public health, marketing, econometrics and intellectual property, the Government is convinced that the SP Proposal is likely to be an effective measure to achieve the five objectives set out in the Public Consultation Paper, namely to:

- Reduce the attractiveness of tobacco products;
- Eliminate the effects of tobacco packaging as a form of advertising and promotion;
- Reduce the ability of tobacco packaging to mislead about the harmful effects of smoking (including on the relative harmful effects between products);
- Increase the noticeability and effectiveness of GHWs; and
- Better inform smokers and non-smokers of the risks associated with tobacco use.

89. The Government has also assessed that there are convincing grounds to conclude that the SP Proposal is likely to operate alongside other existing and possible future tobacco-control measures (such as increased taxation and public education) to promote public health through the reduction of the prevalence of smoking in Singapore.

90. As mentioned above, while the Government recognises and acknowledges that the introduction of the SP Proposal will have an impact (in terms of cost and potentially in other ways highlighted by the industry) on tobacco and related industries, it is of the view that the positive objectives and public health outcomes that the SP Proposal is expected to achieve warrants its introduction. However, to mitigate the impact on tobacco and related industries, sufficient notice (based on previous instances where packaging changes were introduced to tobacco products, for example, introduction of new versions of GHWs) will be given to the industry to inform them of the finalised specifications of the SP Proposal. A transition period (between when manufacturers have to produce standardised packs and when retailers must sell all products in standardised packs) will also be provided to allow a sell-through of old stock and to ease the implementation burden on tobacco industry.

91. The Government has therefore decided to introduce the SP Proposal in Singapore.

VIII. Application of the SP Proposal to non-cigarette tobacco products

92. In the Public Consultation Paper, the Government also sought views on whether the SP Proposal should apply to non-cigarette tobacco products. Separately, the Government also conducted a consultation to seek comments on the June 2018 HPB Study in relation to the application of the SP Proposal to non-cigarette tobacco products.

93. Findings from the study showed that, as with cigarette products, branded packaging of non-cigarette tobacco products act as advertising platforms to attract consumers. They tend to create misperceptions of “safety”, “health” and “novelty” by using creative designs to either take attention away from GHWs, or invoke curiosity amongst consumers to try different variations of the same product through the look and feel of packaging that represents different flavours or additives. The findings also suggest that SP Proposal-compliant packaging would contribute towards:

- Reducing the overall appeal and attractiveness of tobacco products;
- Increasing the perceived harm that these tobacco products pose to health; and
- Increasing the noticeability of GHWs.

94. A total of **9** responses were received following the invitation for comments. These were received from a mixture of non-governmental organisations, tobacco and other related industries and some members of the public. The Government has made copies of all these responses available at <https://www.moh.gov.sg/proposed-tobacco-control-measures>.

95. One of the points raised in these comments was that the qualitative study design utilised by HPB is not credible, as it relies on attitudes, opinions and self-reports of smoking behaviour which may be inaccurate/unreliable, unrepresentative of the general population and prone to bias. As such, the study cannot be relied on to prove the supposed efficacy of applying the SP Proposal to non-cigarette tobacco products.

96. Other concerns with the application of the SP Proposal to non-cigarette tobacco products were that:

- The implementation of standardised packaging in other countries (Australia, France and the United Kingdom) has had no impact on smoking behaviour/consumption and prevalence;
- The SP Proposal would infringe on intellectual property rights which would in turn harm businesses and consumers and jeopardise the Government's objective to become a global hub for intellectual property and a place for foreign investors to do business;
- Standardised packaging would cause a loss of consumer information and choice as well as cause down trading and the proliferation of counterfeit and illicit trade; and
- The Government should consider alternatives to the SP Proposal which would arguably be more effective at reducing tobacco dependency and prevalence.

97. These points and concerns were similar to those raised in earlier submissions to the 2018 Public Consultation and have been detailed and responded to in previous sections of this paper.

98. After considering the comments received and consulting with our experts, the Government's assessment is that the policy objectives of the SP Proposal are applicable to all tobacco products, and that the SP Proposal is likely to be an effective measure in meeting these policy objectives when applied to non-cigarette tobacco products. While consumers of non-

cigarette tobacco products may have a different profile from consumers of cigarettes, the Government's assessment is that the SP Proposal is likely to be effective in relation to both groups of consumers. Moreover, all tobacco products are harmful, and the Government's objective is to reduce the use of all such products in order to protect public health.

99. The Government has decided, therefore, to apply the SP Proposal to all tobacco products sold in Singapore, including cigarillos, cigars, *ang hoon*, other roll-your-own products and *beedies*.

IX. Conclusion

100. MOH will table proposed amendments to the Tobacco (Control of Advertisements and Sale) Act (Cap. 309) to give effect to the Government's proposal to introduce the SP Proposal in Singapore. Legislative amendments will also be drafted to preserve the legal position for tobacco-related trade marks under the Trade Marks Act and tobacco-related designs under the Registered Designs Act.

101. When introduced, the SP Proposal will form part of a comprehensive suite of tobacco-control measures in Singapore. It will operate alongside other existing and possible future tobacco-control measures to contribute towards meeting the Government's obligations under the FCTC and reducing the prevalence of smoking in Singapore, and thereby constitute a significant step towards Singapore's long-standing public health objective of promoting and moving towards a tobacco-free society.