

24 March 2014

Health Committee
Select Committee Services
Parliament Buildings
WELLINGTON 6160

Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill

“To build a generation free from tobacco, it is necessary to restrict the imagery and design that tobacco companies use to pull in another generation”¹

The New Zealand Medical Association (NZMA) welcomes the introduction of the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill (the Bill) and the opportunity to make a written submission in support of the Bill.

The NZMA is the country’s largest voluntary pan-professional medical organisation with approximately 5,000 members. Our members come from all disciplines within the medical profession and include general practitioners, doctors-in-training, specialists, and medical students. The NZMA aims to provide leadership of the medical profession, and promote professional unity and values, and the health of New Zealanders.

The NZMA strongly supports this Bill and, in the interests of protecting future generations from exposure to tobacco industry marketing, we urge its assent without delay. The harms from tobacco use are well-established, with between 4500 and 5000 New Zealanders dying each year as a result of their smoking or exposure to second-hand smoke, and half of all long-term smokers dying from a smoking-related illness. Tobacco packaging is used as an effective form of tobacco marketing. The Bill’s proposed introduction of a plain packaging regime for all tobacco products will remove what is in effect the last major promotional mechanism available to the tobacco industry.

We note that the specific objectives of the legislation are to: i) reduce the appeal of tobacco products and smoking, particularly for young people; ii) further reduce any wider social acceptance and approval of smoking and tobacco products; iii) increase the noticeability and

¹ Statement by Michael Matheson, Public Health Minister, Scotland, in February 2014

effectiveness of mandated health warning messages and images; iv) reduce the likelihood that consumers might acquire false perceptions about the harms caused by tobacco products. We endorse all these objectives and believe that the proposed amendments should contribute towards these objectives being achieved. The evidence on how people's perceptions are created and enhanced by tobacco's product packaging has been well documented.²

We note that the model for the proposed bill is Australia's legislative package for tobacco plain packaging. We are aware of emerging evidence that the Australian legislation is having the intended impact there, particularly on young people and on quitting attempts.³ Given these favourable effects, as well as the 2012 Australian High Court ruling that plain packaging does not infringe intellectual property rights, we urge the Government not to delay progressing this legislation until the outcome of arbitration against Australian legislation currently before international trade dispute tribunals is known.⁴ Such dispute resolution processes can take several years and legal experts have expressed confidence that the tobacco industry will ultimately not win.⁵ We note that several other countries including Ireland, the United Kingdom and Scotland are also progressing toward legislating for the plain packaging of tobacco. Delaying plain packaging legislation so that costs of potential litigation might be weighed into decision-making is questionable as it delays positive public health outcomes for New Zealanders.

The NZMA commends the Government's commitment to making New Zealand a smoke-free nation by 2025 and appreciates the strong leadership and action it has taken through legislative means towards achieving this goal. We believe that legislating for the plain packaging of tobacco products is the logical next step on the road towards smoke-free 2025 and we see it as an investment for the greater public health of New Zealanders. We look forward to the progression of this Bill into legislation as soon as is possible.

We hope that our written submission is helpful to the Committee and would like to request the opportunity to make an oral presentation on this Bill during hearings.

Yours sincerely



Dr Mark Peterson
NZMA Chair

² Gendall P, et al. Young adults' interpretations of tobacco brands: Implications for Tobacco Control. *Nicotine & Tobacco Research Advance* 2011;2011Oct(10):911-18; Hoek J, et al. Effects of dissuasive packaging on young adult smokers. *Tobacco Control* 2011;20(3):183-188; Wakefield M, et al. How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study. *Tobacco Control* 2008;17:416-421; Plain packaging of tobacco products: a review of the evidence Prepared by Quit Victoria, Cancer Council Victoria, May 2011

³ Young JM, et al. Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis. *Med J Aust.* 2014 Jan 20;200(1):29-32; Guillaumier A, et al. Socioeconomically disadvantaged smokers' ratings of plain and branded cigarette packaging: an experimental study. *BMJ Open.* 2014 Feb 6;4(2):e004078.

⁴ Currently, two cases are in progress – one brought by five tobacco-producing states (and partly financed by Philip Morris) through the World Trade Organisation, the other brought by Philip Morris directly through Australia's bilateral investment treaty with Hong Kong.

⁵ Public Health and Plain Packaging of Cigarettes, edited by Tania Voon, Andrew D. Mitchell, and Glyn Ayres of Melbourne Law School and Jonathan Liberman, Director, McCabe Centre for Law and Cancer, Cancer Council Victoria and Union for International Cancer Control, December 2012