



The case for standardised packaging

“Parties should consider adopting measures to restrict or prohibit 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 (plain packaging). This may increase the noticeability and effectiveness of health warnings and messages, prevent the package from detracting attention from them, and address industry package design techniques that may suggest that some products are less harmful than others.”

Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control-FCTC (Packaging and labeling of tobacco products), adopted by more than 160 parties to the FCTC in Durban, South Africa in November 2008.

A) What is standardised packaging?

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

B) The importance of tobacco packaging

In the case of tobacco, the pack has been used for years to generate evocative images such as luxury, freedom, glamour, status and masculinity or femininity, as well as to give smokers false comfort about health consequences.²

C) What would be the effect of standardised packaging?

The main effect of standardised packaging is to make packs less attractive, less trendy or cool.^{3 4} Studies show that standardised packaging reduces the brand appeal of tobacco products, especially among youth.⁵

¹ UK Department of Health, 'Consultation on the future of tobacco control', London, 2008

² Hastings H, Gallopel-Morvan K., Rey J M, The plain truth about tobacco packaging, Tobacco Control, Dec 2008; 17: 361 - 362.

³ Wakefield MA, Germain D, Durkin SJ, How does increasingly plainer cigarette packaging influence adult smokers' perception about brand image? An experimental study, Tobacco Control;17: 416-421

⁴ Freeman B, Chapman S, Rimmer M, The case for the plain packaging of tobacco products, Addiction, 2008; 103: 580-90.

⁵ Hammond D, Dockrell M, Arnott D, et al. The impact of cigarette pack design on perceptions of risk among UK adult and youth: evidence in support of plain packaging regulations. Eur J Pub Health 2009. Available online at <http://eurpub.oxfordjournals.org/cgi/content/abstract/ckp122v1?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=Hammond&searchid=1&FIRSTINDEX=0&sortspec=date&resourcetype=HWCIT>

According to City Group, "Plain packaging would significantly reduce the power of tobacco brands — it means that all cigarette packs will be white with brand names in plain, black font. The only colour will be in the graphic health warnings, which are meant to be disgusting."⁶

In addition, standardised packaging reinforces the health warnings as the smokers are not distracted by the promotional items on the packs. Studies show that students have enhanced ability to recall health warnings on plain packs.^{7,8}

D) What would be the potential disadvantages of standardised packaging?

The tobacco industry is strongly opposed to standardised packaging. The two principal tobacco industry arguments are:

1. Standardised packaging would be an infringement of the rights of tobacco companies to use trade marks.

Rebuttal: In 2002, various tobacco companies used Article 17 of the Chapter of Fundamental Rights of the European Union, regarding property rights, in an attempt to prevent enforcement of large health warnings on cigarette packs. They lost the case, with the European Court ruling that loss of property rights can be justified on public health grounds.

The Court held that: "...in respect of the right to property, the court has consistently held that, while that right forms part of the principles of community law, it is not an absolute right and must be viewed in relation to its social function...Its rights may be restricted, provided that those restrictions in fact correspond to objectives of general interest pursued by the community and do not constitute a disproportionate and intolerable interference, impairing the very substance of the rights guaranteed."⁹

2. Illicit trade would be facilitated as standardised packs would be easier to counterfeit than the current packs.

Rebuttal: All packs are easy to counterfeit, and as such, difficult to be recognised as genuine or counterfeit. Only security features on the packs would resolve this problem. In Malaysia, California, Brazil, United Kingdom and Turkey, a security mark with an invisible feature has been applied on each cigarette pack headed for the domestic market. Enforcement officials can scan the mark and discover immediately whether a product is counterfeit.¹⁰

"In order to decrease the smoking initiation and to protect EU consumers on equal basis in all Member States the introduction of generic (black & white) standardised packaging for all tobacco products could be explored as a possibility to reduce the attractiveness."¹¹

-European Commission-

⁶ City Group, Material New Risk Appears: UK Govt Suggests Plain Packaging, Company Flash 2 June 2008.

⁷ Beede P, Lawson R, The effect of plain packages on the perception of cigarette health warnings, Public Health, 1992, 106, 315-322.

⁸ Goldberg M, Liefeld J, Madill J, Vredenburg H, The effect of plain packaging on response to health warnings, American Journal of Public Health, 1999; 89(9), 1435-6

⁹ Citigroup Global markets, Material new risk appears: UK Govt suggests plain packaging, 2 June 2008, p.5-6.

¹⁰ Framework Convention Alliance, The use of technology to combat the illicit tobacco trade, Facstheet INB-2, Geneva 2008.

¹¹ Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee, Second Report on the Application of the Tobacco Products Directive, COM (2007) 754