

Industry Response Material

TOBACCO INSTITUTE OF NEW ZEALAND

Plain Packaging: glamorisation of the pack.(Section 10.0)

New Zealand Public Health Commission Tobacco Products: Preliminary submission prepared by the TINZ. (September 1993). p 21-23.

ABSTRACT - this section of the TINZ response to the New Zealand Public Health Commission policy paper 'Tobacco Products' argues that "the trade mark is an essential consumer tool for finding a personally satisfactory product from a host of similar, but personally unsatisfactory products, all within the same product category..." and that "...There is no clear evidence that the removing of trade mark, or dispensing with the pack design, will affect behaviour". TINZ further argue that banning the use of trade marks would be: censorship; a limit on freedom of expression; at odds with the New Zealand Bill of Rights; contrary to GATT, and would effectively strip companies of their assets.

COMPANY:TINZ

BERNITZ, Ulf

Consumer protection and trade barriers: reflections using as a standing point a government decision concerning warning labels on tobacco packages [translation of Swedish article] (1993) 15 p.

ABSTRACT -

COMPANY: PM

POWER, Roderick P

TLA: Generic Pack Articles.

Comment on Generic Packaging: prepared for the Tobacco Institute of Australia (May 21, 1993) 16 p.

ABSTRACT - This is a review paper of seven major articles which have been published on the issue of plain packaging and health warnings. Powers concludes generally that the findings of the papers reviewed "...are irrelevant to the likely behaviour of children or adults". The following papers are reviewed by Powers:

* Beede, P and Lawson, R: The effect of plain packages on the perception of cigarette health warnings. Public Health (1992) 106 p 315-322

* Beede, P and Lawson, R: The promotional impact of cigarette packaging: a study of adolescent responses to cigarette plain-packs. University of Otago. (1990).

*Beede and Lawson: Pack image attraction: the promotional impact of cigarette packaging. New Zealand Family Physician. (1991) 18 p 175-177.

*Carr-Gregg, M et al: Generic Packaging - a possible solution to the marketing of tobacco to young people. Medical Journal of Australia (1990) 153 p 685-66.

*Laugesen, M: Tobacco promotion through product packaging. New Zealand Health Department Submission to the Toxic Substances Board (1990).

*Zerner, C: Graphic propositions: the efficacy of imagery and the impotence of warnings in cigarette advertising: analysis and commentary. Tobacco Products Litigation Project (1986) 4.71.

*Trachtenberg, J A: Here's one tough cowboy. Forbes Magazine (9th

February 1987).

*Malouff, J et al: Preventing smoking: evaluating the potential effectiveness of cigarette warnings. *Journal of Psychology* (1992) 126 p 371-383.

COMPANY: TIA

JENKINS, John R G

An Appraisal of "The promotional impact of cigarette packaging" (University of Otago). (June 1, 1992) 10 p.

ABSTRACT - This critique of the 1990 Beade and Lawson paper, issued by the University of Otago, concludes that "...nothing in the Otago study justifies the researchers' apparent conclusion that the format of a cigarette package influences an adolescent to take up smoking".

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COMPANY: CTMC

TOBACCO INSTITUTE OF AUSTRALIA

The proposed cigarette packet design changes. Will Australia ignore worldwide experience yet again?

Tobacco Institute of Australia . [Leaflet] (1992) 4 p.

This leaflet, issued by the TIA in response to the CBRC report on pack labelling suggests that the health labelling messages proposed would exceed the labelling norms of other countries and devalue the registered trademarks and pack designs of Australian tobacco manufacturers.

COMPANY: TIA

TOBACCO INSTITUTE OF NEW ZEALAND

The Plain Facts About Plain Packs

Tobacco Institute of New Zealand (1991) 6 pp

ABSTRACT - 'The Plain Facts About Plain Packs', produced by the Tobacco Institute of New Zealand (TINZ), refutes claims that the design and trade marks which appear on cigarette packs encourage non-smokers to take up smoking. Anti-smokers in the country have been pushing for legislation that would force the tobacco industry to market its products in plain white 'generic' packs.

According to the TINZ, tobacco trade marks are legal, registered assets. No government should have the right to reduce the value of shareholders' assets. Such interference in legitimate commercial activity is unacceptable.

The TINZ presents the following arguments against generic packaging:

- Banning the use of any registered logo, design, pattern or trade mark amounts to censorship.
- Any proposed 'plain pack' law would fly in the face of New Zealand's commitment to free expression.
- The prohibition of the use of trade marks is at odds with the New Zealand Bill of Rights, and is contrary to GATT (General Agreement on Tariffs and Trade).
- At a time when the Government is actively encouraging a free market economy, a 'plain pack' law would represent a major step backwards.
- Under New Zealand law, a trade mark to be registered and protected

must be used. If use is prohibited, the protection afforded by registration may not be available.

- A trade mark ban would establish dangerous precedents that could affect hundreds of other products and services and the rights of individuals.
- If the use of cigarette company trade marks is banned, should the use of trade marks also be banned for products such as sugar and chocolate (they might tempt diabetics); fat products (bad for people with cardiovascular problems) and all products with preservatives or colorants (bad for hyperactive children)?

INTCLASS B013187

COMPANY: TINZ

INTERNATIONAL CHAMBER OF COMMERCE. Swedish National Committee. Opinion of the Swedish National Committee of the ICC to the Swedish Government regarding the decision of the National Board of Health and Welfare concerning new warning texts and certain other changes in the regulations for labelling of tobacco packages.

ICC. Swedish National Committee (June 4th 1991) 3 p.

ABSTRACT -

COMPANY: PM

KARNELL, Gunnar

Opinion regarding the decision of the National Board of Health and Welfare of January 9th, 1991, reg no 344:1081/90, regarding "New warning texts plus certain other changes in the rules for the labelling of tobacco packages" is in agreement with certain regulations in intellectual property legislation.

Stockholm (March 15, 1991) 3 p.

ABSTRACT -

COMPANY: PM

KARNELL, Gunnar

Complementary opinion regarding trade mark right aspects of the decision of the National Board of Health and Welfare of January 9th, 1991, reg no 344:1081/90, concerning "New warning texts plus certain other changes in the rules for the marking of tobacco products.

Stockholm (March 15, 1991) 3 p.

ABSTRACT -

COMPANY: PM

BERNITZ, Ulf

Opinion concerning the decision of the National Board of Health and Welfare of January 9th, 1991 about new warning texts on tobacco packages.

Stockholm (March 14, 1991) 13 p.

ABSTRACT -

COMPANY: PM

HOLMQVIST, Lars

Opinion on the contents in two articles in the periodical, European Intellectual Property Review (EIPR) no 4, 1990 and no 8, 1990 respectively. In the first issue, Prof Ulf Bernitz of Stockholm Univ has published an article with the title "Logo licensing of tobacco products - can it be prohibited". In the second issue, Prof Gunnar Karnell, of the Stockholm School of Economics, has published a letter to the editor with comments on Bernitz's views.

Correspondence to Peder Hammarksiöld (Legerlof and Leman) Stockholm (March 13th 1993) 2 p.

ABSTRACT -
COMPANY: PM

HOLMQVIST, Lars

Opinion about aspects, in terms of trade mark law, of the decision of the National Board of Health and Welfare of January 9th, 1991 (reg no 344:1081/90), regarding new warning signs on tobacco products.

Stockholm (March 8, 1991) 6p.

ABSTRACT -
COMPANY: PM

TOBACCO INSTITUTE OF NEW ZEALAND

A Critique of 'The Promotional Impact of Cigarette Packaging: a study of Adolescent Responses to Cigarette Plain Packs' prepared by the Department of Marketing, University of Otago.

Tobacco Institute of New Zealand (July 1990) 15 p.

ABSTRACT - This review of the original Beede and Lawson study claims that the interview techniques applied in the school were biased; that no complete review of the literature was undertaken; that no factors were considered as to why children smoke; no consideration was given to the reasons as to why children might find some types of pack imagery more appealing than another. The paper further fails to recognise that an ability to recognise a particular distinct brand image is not an indicator of future product and brand use.

COMPANY: TINZ

AXBERGER, Hans-Gunnar

Opinion in connection with the presentation by a Board of Health and Welfare reference group of proposals for new warning texts on tobacco packaging - 10 July 1985 and 10 February 1986 - concerning related matters of law in conjunction with proposals for warning texts then current: based on the proposals circulated on remit by the Board of Health and Welfare on 1989-12-20 reg no 3421-271/87 and certain documents from earlier cases in the same matter.

Stockholm (February 27th, 1990) 7 p.

ABSTRACT -
COMPANY: PM

PHILIP MORRIS AB (SWEDEN)

Philip Morris AB submits it views about the Tobacco Commission's report, "The Tobacco Law" [Magnusson Commission Report - Ny tobakslag] (SOU 1990:29)
Philip Morris AB to the Cabinet Minister and the Head of Department of Health

and Social Affairs (1990) 70 p (+ appendices)
ABSTRACT -
COMPANY: PM .

CBRC Rebuttal Material

WARBURTON, David

Warburton's comments on the CBRC: as sent to the Tobacco Institute of Australia.
David Warburton for TIA (15th October 1992) 12 p.

ABSTRACT - Warburton presents a critique of the CBRC findings based on a
general review of the smoking initiation and knowledge of smoking literature.

NOTE: Unpublished

COMPANY: TIA

POWER, Roderick P

Comment on Health warning and contents labelling on tobacco products and Public
approval of proposed tobacco pack labelling and other modifications (CBRC Report).

Prepared for the Tobacco Institute of Australia (July 1992) 45 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: TIA

COONEY, George

Health warnings and contents labelling on tobacco products: report on research
conducted by the Centre for Behavioural Research in Cancer (CBRC Report).

Prepared for the Tobacco Institute of Australia (July 1992) 12 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: TIA

LYLE, J G

Health warnings and contents labelling on tobacco products: an evaluation (CBRC
Report).

Prepared for the Tobacco Institute of Australia. (June 1992) 39 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: TIA

FISHER, Robert

(Review of the Report by the Centre for Behavioural Research in Cancer and the
supplement to that report entitled "public approval of proposed tobacco pack
labelling and other modifications"). (CBRC Report).

Prepared for the Tobacco Institute of Australia (August 1992) 15 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: TIA

MENGERSEN, K L and TWEEDIE, R L

Review of statistical aspects of studies on health warnings and contents labelling of
cigarette packs. (CBRC Report)

Prepared for the Tobacco Institute of Australia (August 1992) 34 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: TIA

Argumentation Development

FOWLER, G

Generic Packaging: [situation] report from Philip Morris Ltd (Australia)
Philip Morris Ltd (Australia). (June 18th, 1993) 3 p (+ correspondence between J
Seddon and G Fowler).

ABSTRACT -

NOTE: Unpublished

COMPANY: Philip Morris

WOOD, A A W

Trademarks as a public affairs issue.

Rothmans International Tobacco (19th April 1993) 1p (+ correspondence)

ABSTRACT -

NOTE: Unpublished

COMPANY: Rothmans

MCDONALD, John

Correspondence to Jim Seddon regarding generic packaging proposals in Canada.
Rothmans Benson and Hedges. (July 27th 1993) 3 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: Rothmans Philip Morris

SOFER, Steven

Generic packaging challenge: memorandum, to John McDonald, Rothmans Benson
and Hedges, summarising the arguments that might be used to challenge the validity
of provincial legislation which imposes packaging restrictions - from Smith, Lyons,
Torrance, Stevenson and Meyer (Barristers).

I. Canadian Charter of Rights and Freedoms - freedom of expression. 8 p.

II. Trademarks. 3 p.

III. Expropriation/Compensation 3 p.

IV. Canada-US Free Trade Agreement 2p (+ pack illustrations).

ABSTRACT -

NOTE: Unpublished

COMPANY: Rothmans Philip Morris

WOOD, A A W

Labelling proposals: Initial responses to the CBRC

Rothmans Australia (5th July 1992) 1 p

ABSTRACT-

NOTE: Unpublished

COMPANY: Rothmans

LEACH, Michael and HAY, C N K

Generic packaging: a public affairs view: working discussion paper.

BAT/Rothmans International (Oct 27th 1989) 3 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: BAT Rothmans

VINER, P and SYMMES, G

File note regarding a meeting with New Zealand Ministry of Commerce representative Mr Geoff Sanderson: [with accompanying notes on developing defence points against legislated generic packaging prepared by O J Morgan].
Wills New Zealand BAT New Zealand (Oct 17th 1989) 13 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: BAT Rothmans

HAY, C N K

Memo to Mr David Lutkin regarding the development of generic pack argumentation and legality of implementing pack trademark restriction in New Zealand.
Rothmans International Services. (3rd August 1989) 2 p.

ABSTRACT -

NOTE: Unpublished

COMPANY: Rothmans

INFOTAB

Possible generic pack legislation in New Zealand

INFOTAB (July 6th, 1989) 15 p.

ABSTRACT - This paper considers the possible impact and implications of legislation in New Zealand to allow cigarettes to be sold only in generic pack.

NOTE: Unpublished

COMPANY:

CANNAR, N

[Correspondence from Nick Cannar (BATCo) to Jim Seddon (Rothmans) outlining the principle defence points in relation to the generic pack issue in New Zealand]
Correspondence (20th June 1989) 1 p

ABSTRACT -

NOTE: Unpublished

COMPANY: BAT Rothmans

Trademarks - Value of Brands

ANON

Philip Morris revalues its brands.

Australian Retail Tobacconist (Sept 1993) 53(9) p 10

ABSTRACT - This article reports that Philip Morris Australia has doubled the value of its balance sheet with an AU\$105 million revaluation of its Australian trademarks. The article also reports Rothmans values its trademarks at AU\$4.5 million, whilst Wills lists AU\$8.1 million of intangibles in its balance sheet.

GIBSON, Tom

What's worth US\$ 39.5 billion?: the Marlboro brand name...

Financial World (News Release). (August 9th, 1993) 4 p

Financial World Magazine (September 1993) p41-54

ABSTRACT - This article discusses the global valuations of branded consumer products, and list Marlboro as number one with a value of \$39.4 billion.

Legal Opinion

CONFEDERATION OF EUROPEAN COMMUNITY CIGARETTE
MANUFACTURERS (CECCM)

Labelling of tobacco products - Council Directive 89/622/EEC: Query from John
Lepere to Scott Crosby and response from Kemmler Rapp Bohlke & Crosby.
CECCM/KPRB (July 12th 1993) 13 p

ABSTRACT -

NOTE: Unpublished
COMPANY: CECCM

SIMPSON GRIERSON BUTLER WHITE (Barristers and Solicitors)

Advice on possible courses of action in relation to the proposal for plain packaging of
tobacco products; and the recommendation by the New Zealand Toxic Substances
Board to end advertising and promotion of tobacco products.

Rothmans/SGBW (July 4th, 1989) 4 p (pages missing)

ABSTRACT -

NOTE: Unpublished
COMPANY: Rothmans

MORCOM, Christopher

Supplemental Opinion on consumer protection, with particular reference to the
possible implications of any legislation compelling the use of 'generic packs' for
tobacco products.

Rothmans International Services (July 7th, 1989) 2 p.

ABSTRACT -

NOTE: Unpublished
COMPANY: Rothmans

MORCOM, Christopher

Opinion in a proposed action on the subject of generic packaging: commissioned by D
B Lutkin.

Rothmans International Services (July 3rd, 1989)

ABSTRACT -

NOTE: Unpublished
COMPANY: Rothmans

FEIST, R T

Correspondence and Legal Opinion to Wills New Zealand, from Tripe Matthews and
Feist, Barristers, regarding plain packages.

Wills New Zealand/ TMF (24th April 1989) 4p (+ covering letter)

ABSTRACT -

NOTE: Unpublished
COMPANY: BAT

Experts - potential

Dr Digby Anderson
Director
Social Affairs Unit
London
COMPANY: Rothmans
Expertise: Consumer attitude to labelling

Professor Ulf Bernitz
Dean of Law Faculty
Stockholm University
COMPANY: Philip Morris
Expertise: Trademarks in EC

Mr P Buckley
Agricultural and Food Research Council
Institute of Food Research
Reading
UK
COMPANY: Rothmans
Expertise: Possible comment on Beede and Lawson, or labelling in general

Dr J Harris
Perceptual Psychologist
Reading University
UK
COMPANY: Rothmans
Expertise: Attitudes to labelling

Mr P M Luxford
AJ Park and Son
New Zealand
COMPANY: Rothmans
Expertise: Comment on Beede and Lawson

Mr Philip McCabe
West-Walker McCabe
New Zealand
COMPANY Rothmans
Expertise: Comment on Beede and Lawson

Dr F McKenna
Dept of Psychology
Reading University
COMPANY: Rothmans
Expertise: Comment on Beede and Lawson

Dr R Power
Senior Lecturer in Psychology
MacQuarie University
Australia
COMPANY: Rothmans
Expertise: Comment on Beede and Lawson

The President
The New Zealand Institute of Patent Attorneys
COMPANY: Rothmans
Expertise: Trademark protection

Dr D H L Thompson
Mathematical Market Research Ltd
Reading
UK
COMPANY: Rothmans
Expertise: Comment on Beede and Lawson?

Dr David Warburton
Department of Psychology
Reading University
UK
COMPANY: Rothmans
Expertise: Smoking initiation, addiction, comment on CBRC

Developing Allies

THOMPSON, M

Protection of intellectual property: initial report and backgrounder.

The Tobacco Institute of New Zealand (May 10th 1993) 4 p. (+ correspondence)

ABSTRACT - this memorandum highlights potential action in the defence of intellectual property rights, particularly by exercising international trade agreements and initiatives. These include: the GATT, WIPO, TRIPS, ICSID, ICPIP and USTMA.

NOTES: Unpublished

COMPANY: TINZ

World Intellectual Property Rights Organisation (WIPO)

WIPO

Extract of activities and affiliated organisations.

Yearbook of International Associations (1992) Ref BB3635g.

ABSTRACT -

WIPO

The role of industrial property in the protection of consumers

WIPO (1983) 69 p

ABSTRACT -

WIPO

Guide on the Industrial Property Activities of Enterprises in Developing Countries.

WIPO (1983) 31 p.

ABSTRACT -

OECD

OECD

Competition policy and intellectual property rights.

OECD (1989) 121 p

ABSTRACT -

International Centre for settlement of Investment Disputes (ICSID)

ICSID

Extract of Activities and affiliated organisations.

Yearbook of International Associations (1992) Ref 05910.

ABSTRACT - This organisation was formulated by the member states of the World Bank.

General Agreement on Tariffs and Trade (GATT)

Union of Industrial and Employers Confederations of Europe (UNICE)

UNICE Statement on the Proposed Community Trade Mark

UNICE (4th Nov 1992) 1 p

ABSTRACT -

UNICE

Basic Proposal submitted by the Director General of WIPO for the Conclusion of a Protocol relating to the third Madrid Agreement Concerning the International registration of marks (Doct. MM/DC/3).

UNICE (31st May 1989) 2 p

ABSTRACT -

International Chamber of Commerce (ICC)

ICC. Commission on Intellectual and Industrial Property.

ICC Document 450.718

ABSTRACT -

Activist studies/reviews/articles

CANADA. NON-SMOKERS' RIGHTS ASSOCIATION

Protecting the health of Ontario Kids: good health policy and good politics: a 'win-win' opportunity for the Ontario New Democratic Party.: How the Ontario Government could leave a legacy for world public health through the Ontario Tobacco Act....

Non-Smokers Rights Association: Campaign Letter and Support Paper. (November 10th 1993) 6 p.

ABSTRACT - This letter was circulated by Garfield Mahood of the NSRA as a prompt to Members and supporters in Ontario. The campaign letter calls for urgent action to stimulate Members of Parliament to support the Ontario Tobacco Act, the provisions of which would result in the introduction of plain packaging in the province. Mahood argues for the introduction of plain packs on the basis that this would send the strongest health message of all to kids (dull packages); increase the prominence of warnings; decrease smuggling (plain packs would distinguish attractive smuggled packages from duty-paid, legal packages); help close the sponsorship advertising loophole which is destroying the federal Tobacco Products Control Act.

ANTI

CARR-GREGG, Michael and GRAY, Alan J.

Generic Packaging - a possible solution to the marketing of tobacco to young people. World Smoking and Health. (1993) 18(2) p 11-13

ABSTRACT - This is a condensed version of the paper originally published in the Medical Journal of Australia (December 1990)153 p685-686.

ANTI

CARR-GREGG, Michael

Mandatory plain packaging for tobacco products
World Health Forum (1992) vol 13 p 204-205

ABSTRACT -

ANTI

AUSTRALIA. CENTRE FOR BEHAVIOURAL RESEARCH IN CANCER.

Health Warnings and Contents Labelling on Tobacco Products

Centre for Behavioural Research in Cancer. Task Force on Tobacco Health Warnings on Content Labelling in Australia (1992) 244 pp.

ABSTRACT - A new Australian report recommends changes in labelling on tobacco products which would lead virtually to generic packaging. The scope to create brand image would be limited to variation in the size, colour and font of the brand name. Twelve brief rotating health warnings would cover 25% of the top front of packs; complementary extended elaborated texts would cover the whole of the back of packs, and there would be side-of-pack statements about 'tar', nicotine and carbon monoxide.

The report was prepared by the Centre for Behavioural Research in Cancer (CBRC), which was set up in 1986 by the Anti-Cancer Council of Victoria. The report was commissioned in mid-1991 by the Ministerial Council on Drug Strategy Tobacco Task Force to review, research and make recommendations on tobacco health warnings and contents labelling in Australia.

An example of the kind of pack recommended in the report appears on the

following page.

The CBRC's report is divided into seven sections:

- an introduction;
- recommendations (with rationale and supporting evidence);
- theoretical considerations and their implications for health messages on cigarette packs;
- a review of research on the effectiveness of current warnings;
- 13 papers representing research by the CBRC on subjects including adolescents' understanding of words and concepts used in warning labels;
- a reference section;
- and appendices covering labelling requirements/proposals worldwide/results of 'brainstorming sessions' by Task Force members on possible strategies for labelling, and questionnaires/results of attitude surveys.

The report consists of a large number of research questionnaires and findings supporting its recommendations. It takes as given that tobacco smoking is an habitual and addictive behaviour. Its claimed focus is not those smokers who have no intention of giving up but rather those who are about to give up, who are considering giving up or who are contemplating taking up smoking. •

Australian research suggests that at any given time, approximately 10% of smokers might be in a state of mind which would dispose them to giving up, and in the course of a year, more than 40% reportedly reach this state at some time. The report considers that governments have an obligation to ensure that information about the claimed harmful effects of smoking is available to people each time the opportunity to smoke arises. The report cites a survey of 508 Australians in the state of Victoria which claims that there is widespread support for more health warnings and less colourful and attractive packs, provided this would discourage young people from smoking. It also notes that warnings are only part of the solution to the "problem" of smoking in Australia and that the regulation of tobacco pack warnings should occur in the context of a coordinated, comprehensive public health programme to reduce smoking prevalence. The report recommends that the following assertions should be effectively conveyed or provided on all tobacco product packs:

- "the dangerous contents of tobacco smoke";
- "the adverse health effects of tobacco smoking";
- "the addictive nature of tobacco smoke";
- "the dangers to other people caused by involuntary or passive exposure";
- "information to encourage and assist addicted smokers wishing to quit".

Also:

- Warnings should take into account certain priority target groups (adolescents, smokers contemplating quitting, pregnant women, parents, smokers with "smoking-related diseases").
- Tobacco products should be sold in "standard" (ie generic) packs.
- Provision should be made for the incorporation of relevant new information on the alleged consequences of smoking and for the monitoring and evaluation of the effectiveness of health warnings.

ANTI
INTCLASS R014330

AUSTRALIA. CENTRE FOR BEHAVIOURAL RESEARCH IN CANCER
Public Approval of Proposed Tobacco Pack Labelling and Other Modifications:
Supplement to: Health Warnings and Contents Labelling of Tobacco Products:
Centre for Behavioural Research in Cancer (1992) 22 p.
ANTI

BEEDE, P and LAWSON, R

The effect of plain packages on the perception of cigarette health warnings.
Public Health (1992) 106 p 315-322.

ABSTRACT - The authors surveyed 568 adolescents to investigate the possible effects upon perceptions of health warnings when cigarettes were presented in plain [generic] packs. They claim that the presence of strong brand imagery on the pack detracts from the health message. In order to improve awareness of health messages the authors propose that all cigarettes be sold in generic packs, thereby removing the promotional impact of the pack and render other forms of tobacco advertising less efficient.

ANTI

INTCLASS: 015727

EUROPEAN BUREAU for ACTION on SMOKING PREVENTION (BASP)
Packaging and the Promotion of Cigarettes: a current debate.

Conditionnement et promotion pour les cigarettes - un debat d'actualite.

BASP Newsletter (October 1992) No 18 p 4-5 + poster.

ABSTRACT - In this review of the importance of cigarette pack imagery in the alleged "attraction of young consumers", the BASP group suggest that cigarette manufacturers are resorting to creative or "design" packaging to increase smoking among target groups. The authors claim that as advertising restrictions are placed on manufacturers more emphasis will be put onto pack imagery promotion, with the aim of enticing consumers, increasing the appeal of cigarettes as a fashion accessory and improving the opportunities for product placement. Unlike other types of advertising, the authors suggest that the cigarette package comes complete with a significant adult model attached (ie. the parent, film star, teacher, etc). BASP claim that plain packs would:

- add weight to health warnings
- improve visibility of health warnings by limiting design opportunities of manufacturers (e.g. use of gold colouring)
- remove the contradictory effect of allowing a "recognised dangerous product to be sold in such attractive packaging"
- help reinforce any ban on tobacco advertising and promotion as the "store of value" in past advertising brand imagery would be diminished
- remove any advantage for cigarettes advertised in imported magazines
- would help control smuggling as domestic products could be easily differentiated from "smuggled items".

ROYAL COLLEGE OF PHYSICIANS OF LONDON

Smoking and the Young

Royal College of Physicians of London (1992) 130 pp.

ABSTRACT - 'Smoking and the Young' is the fifth report on the influence of smoking on health by the Royal College of Physicians (RCP) of London.

Prepared by an RCP working party, the report is claimed to have been prepared "to help protect the future health of young people" and "comes at a time of high government awareness of the role of preventative medicine as set out in its consultative document 'The Health of the Nation'".

Dame Margaret Turner-Warwick, president of the College, claimed that the report "should spark the new approach required to meet the government targets on reduction in smoking prevalence". The report details a "model tobacco control policy" which would require a ban on tobacco advertising and sponsorship, implementation of price disincentives and legislation to regulate illegal sales to young people, increased public education, stronger public smoking restrictions, reduction of emission levels of claimed 'toxic' components of cigarettes, an end to subsidies for tobacco production and manufacture and the introduction of plain pack design with strengthened warnings.

The report advocates legislative intervention which would require the implementation of a ban on all forms of tobacco advertising and sponsorship, maintenance of price disincentives through aggressive taxation on tobacco, tough regulations on illegal sales to minors and the introduction of "a plain pack design [which] could well reduce the attractiveness of cigarettes to young people [with] details "restricted to brand name, emission data and health warning using a controlled type-face etc. [and] a neutral colour ...with no other marketing features".

Filed at 616 (1) ROY.

INTCLASS R014834

ANTI

CANADA. ONTARIO CAMPAIGN FOR ACTION ON TOBACCO

Backgrounder: Generic Cigarette Packs

OCAAT News Release (November 8th 1991) 4 pp.

ABSTRACT - In this backgrounder to support the implementation of legislation in Ontario, the importance of cigarette pack imagery in the alleged "attraction of young consumers" is discussed. The OCAAT group suggest that cigarette manufacturers are resorting to creative or "design" packaging to increase smoking among target groups. The authors claim that as advertising restrictions are placed on manufacturers more emphasis will be put onto pack imagery promotion, with the aim of enticing consumers, increasing the appeal of cigarettes as a fashion accessory and improving the opportunities for product placement. Unlike other types of advertising, the authors suggest that the cigarette package comes complete with a significant adult model attached (ie. the parent, film star, teacher, etc).

ANTI

ACTION on SMOKING and HEALTH (ASH-UK)

Ending an epidemic: A manifesto for tobacco control. ASH's submission to the Department of Health on the Green Paper.

Action on Smoking and Health (October 1991) pp1-33

ABSTRACT - This document is the submission of ASH to the Department of Health on the Green Paper entitled "The health of the nation; a consultative document for health in England". The report is presented under the following headings:

introduction; targets (prevalence and consumption); action (advertising, plain packaging, product information on packs, health warnings on packs, research and product modification, taxation, health education and health promotion, smoking cessation help, sales to under 16s, smoke free environment, the Common Agricultural

Policy, curbs on exports); monitoring; and conclusion. The press release which accompanied publication of the report is attached.

INTCLASS R014128

ANTI

BEEDE, P C and LAWSON, R W

Brand image attraction: the promotional impact of cigarette packaging.

The New Zealand Family Physician (Spring 1991) pp 175-177.

ABSTRACT - The authors claim that the relationship between cigarette promotion and adolescent smoking behaviour is reinforced by cigarette brand imagery on packs. They claim that packaging plays a major, perhaps primary role in the promotion of cigarettes and that the sale of cigarettes in packaging devoid of any imagery would result in a "decrease in the rate of smoking initiation among children". They conclude that cigarettes would be perceived as "dull and boring" if sold in plain packs.

ANTI

INTCLASS: 015728

CARR-GREGG, Michael R C GRAY, Alan J

"Generic" packaging - a possible solution to the marketing of tobacco to young people
The Medical Journal of Australia (December 3/17, 1990) Vol 153 (11/12) p685-686

ABSTRACT - It is argued that creating a brand image is a key part of tobacco marketing. Promotion of a product is possible, despite barriers such as advertising bans, through sponsorship of sporting events and print advertisements. The authors claim that mandatory generic packaging of tobacco products is essential as part of a total ban on advertising and promotion. A plain, black and white package would be allowed, with a description of the product (eg cigarettes), details of content, name of manufacturer, health warning and tar and nicotine content. It is argued that such measures would also curb practices such as "piggy back" advertising and "parallel marketing" of non tobacco goods, and also of the strategic placing of cigarette packages in films. The use of generic packaging would also reduce the impact of foreign advertising materials and health warnings would be more visible. It is concluded that cleverly designed packaging should not be allowed to promote a product if governments have decided to end promotion of that product.

ANTI

INTCLASS A013333

BEEDE, P, LAWSON, R and SHEPHERD, M.

The promotional impact of cigarette packaging: a study of adolescent responses to plain-packs.

University of Otago Department of Marketing. (June 1990) 31p.

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CARR-GREGG, Michael,

The New Zealand Coalition Against Tobacco Advertising and Promotion - the inside story.

Proceedings of the 7th WCTH, Perth, WA, (1990) edited by Durston, B and Jamrozik, K. pp812-814.

ABSTRACT - This general review of the work of the New Zealand Coalition gives brief details of the call for generic pack legislation in the run-up to the Smoke-Free Environments Act. It is claimed that Carr-Gregg claims that packaging is part of the

marketing of tobacco, "which allows for subtle promotion across national and international barriers".

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LAUGESEN, Murray

Tobacco Promotion through Product Packaging.

Paper prepared at the request of the Chairman of the New Zealand Toxic Substances Board for its September 1989 Meeting, 11p.

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Pack Labelling

INTERNATIONAL UNION AGAINST CANCER (UICC)

International Union Against Cancer Recommendations on Health Warnings and Labelling.

World Smoking and Health (1993) 18(2) p 3-4.

ABSTRACT - this paper outlines the position of the UICC in relation to the placement of health warnings on tobacco products and advertising. The UICC recommends that warnings should be on the front and top of pack, that they should cover a minimum of 25% of the pack face, be in stark contrasting colours. The UICC state that "it is no good to design an effective message, only for it to be lost as part of the pack design." and recommend that black and white warnings offer the best 'safeguard' against the use of contrasting colours - which may become lost in the overall pack design. The UICC suggest that "any effective warning will be as prominent in selling the health message as the industry's design will be effective in promoting the product. A really effective warning system will mean that the tobacco pack becomes a more effective method for promoting the health message than it does for promoting the image of glamorous tobacco use". This paper is based on the UICC Tobacco Control Factsheet No 2, issued in April 1993.

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ZOLLER, Harriet.

Canada Leads Way With World's Toughest Tobacco warnings.

World Smoking and Health (1993) 18(2) p 5-6.

ABSTRACT - This is a review article detailing the regulatory progress made in Canada in the implementation of "larger and more visible health warnings". The author suggests that the strong black on white (and rotating white on black) health warnings will "make it more difficult for manufacturers to design packaging that will detract from the messages...".

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AMERICAN CANCER SOCIETY

Packaging and Health Warnings.

World Smoking and Health (1993) 18(2) p 1-18

ABSTRACT - This special issue of the American Cancer Society house journal features a series of articles on cigarette packaging and health warnings. The majority of the papers are reprints (or condensed version of papers which have appeared in other journals. Articles featured include:

* Health Warnings and Cigarette Packaging: Let Buyers Beware p 2; by Jerie Jordan (editor, ACS)

*International Union Against Cancer Recommendations On Health Warnings and Labelling p 3-4; by UICC Tobacco and Cancer Programme.

* Canada Leads Way with World's Toughest Tobacco warnings p5-6; by Harriet Zoller.

*The Evolution of Australia's New Health Warning Labels p 7-9; by Karen Lewis.

*Warning Labels in Developing Countries p 10; by Kathleen Bang.

*"Generic" Packaging - a possible solution to the marketing of tobacco to young people p 11-13 by Michael R C Carr-Gregg and Alan J Gray.

*Texts of Health Warnings p 14-18.

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TANDEMAR RESEARCH Inc

Tobacco Health Warning Messages, Inserts and Toxic Constituent Information Study: final report (May 1992) 147 p (+ Appendices).

ABSTRACT -

MARKTEC BUSINESS CONSULTANTS Ltd

Final Report: Opinion: Proposed Health Care Warnings and Inserts (as tested in the Tandemar Report); prepared for Health and Welfare Canada Health Promotion Directorate. (Oct 1992) 25 p.

ABSTRACT -

**UNITED KINGDOM. HEATH EDUCATION AUTHORITY. Research Department
Public Health Division.**

Health Warnings on Cigarette and Tobacco Packs: report on research to inform European standardisation. Prepared for the HEA by Cragg, Ross and Dawson Ltd. Health Education Authority (December 1990) 35p (+ appendices).

ABSTRACT -

HILL, David

New cigarette-pack warnings: are they getting through?

Medical Journal of Australia (1988) 148(2) p 479-450.

ABSTRACT - This paper reviews the question as to whether or not Australian consumers take note of health warnings placed on cigarette packs. Having surveyed smokers knowledge of health warnings and intention to quit, Hill notes that "these data provide an early indication that the new health warnings are getting through, particularly to smokers."

Press Clips

Canada

EBERLEE, John

Anti-smoking forces expect 'blood fight' over bid to change cigarette packaging.

Medical Post - Canada (16th November 1993) 1 p.

ABSTRACT - this article reports that "plain cigarette packaging has become the Holy Grail for groups fighting to strengthen Canadian anti-tobacco legislation...". Garfield Mahood, of the Canadian Non-Smokers Rights Association (NSRA) is reported as stating that "...plain pack legislation is perhaps the single most devastating reform that could be directed at the tobacco industry...This is because the cigarette package is and always has been the most important promotional tool at the industry's disposal". Mahood claims that each viewing of the cigarette pack by a child or non-smokers is an "implicit endorsement" of the product by a mother, father, sister or brother, or a significant peer or a relative -" and that is not true of any billboard or magazine ad." Mahood reportedly further states that "plain packaging would intervene in this process. It would be a reform of enormous proportions".

ANTI

SWEET, Lois

Tough Bills aim to stub out teen smoking.

Toronto Star (7th November 1993) 1 p.

ABSTRACT - This article considers the range of legislation proposed in Ontario, including the possible introduction of plain packaging. Phil Gilles of the Smokers' Freedom Society is reported as stating that the proposal is "nothing short of insulting to the intelligence of smokers... For society to say it's legal to sell this product, then to put forward restrictions on the packaging, might be something the consumer says, you just can't do." The article further reports that the Health Minister for Ontario, Ruth Grier, said that she initially supported plain packaging but has since rejected it.

ANON

Use plain packaging tobacco firms urged.

Toronto Star (3rd October 1993) 1 p.

ABSTRACT - this article reports on a statement by Richard Schabas, Ontario's Chief Medical Officer. Schabas claims that "...teens are often enticed into smoking by the designer images of cigarette packages".

MITTELSTAEDT, Martin

Ontario plans steps to restrict tobacco use: generic packages, licensing of stores considered to cut smoking in half.

The Globe and Mail (Canada). (23rd October 1992) p A1

DOCHOVE, Danielle

Cigarette Poll finds support for plain packs: equal numbers of smokers and non-smokers surveyed favour generic wrapping.

The Globe and Mail (Canada). (26th Oct, 1992)

ABSTRACT - Equal numbers of smokers and non-smokers believe that cigarettes should be sold in generic brown or white packs, according to a poll commissioned by the Heart and Stroke Foundation on behalf of the Ontario Campaign for Action on

Tobacco. Some 47% of the more than 1,000 adults polled said that they would support a ban on smoking in indoor areas such as shopping malls in order to reduce the number of child and teenage smokers.

SCHACHTER, Harvey

Perversity and generic cigarette packages.

Kingston Whig-Standard (21st Dec 1991) 1p

ABSTRACT - this article reports on the 'vision' of Garfield Mahood to see the introduction of generic packs in Canada. Schachter describes the idea of such packaging as "so perverse it's brilliant". The article briefly reviews statements made by industry witnesses during the R J Reynolds and Imperial Tobacco Ltd challenge to the Tobacco Products Control Act. Schachter suggests that the industry representatives conceded that pack branding is important in smoking initiation by young people, and that "virtually as much time energy and expense goes into the creation of a package of the brand than the advertising itself".

LEE, Betty Lou

Sell tobacco in no-frills wrappers, urge doctors.

The Journal (October 1, 1986) 15:(10) p. 5

ABSTRACT - A Canadian doctors' association wants all tobacco products sold in the equivalent of plain brown wrappers, Lee reports. The only printing on the pack would be the brand name and in letters of equal size the message "This product is injurious to your health". Doctors also want a standard pack for each form of tobacco. A resolution calling for these measures was introduced by Vancouver physician Gerry Karr at the annual meeting of the general council of the Canadian Medical Association (CMA). The recommendation will be sent to the federal government. The council members also voted to ban smoking at all CMA social functions and suggested developing regulations to provide workplace protection against smoking consistent with the protection provided against "other hazardous substances".

INTCLASS A006725

CANADIAN MEDICAL ASSOCIATION

CMA supports federal anti-smoking initiatives, but urges further action.

Canadian Medical Association Journal, (1987), 136:, pp 1191.

ABSTRACT - Canadian Medical Association president Dr. Jake Dyck praised the federal government's recently announced crackdown on smoking. Health and Welfare Minister Jake Epp's new policy is directed at manufacturers, importers, wholesalers and retailers. It bans all forms of tobacco advertising and promotion involving contests, coupons or product sampling, and means that when an event is sponsored, only the company name can be mentioned - not the brand name. The government also demands that all tobacco packaging prominently display stronger health warnings, and it is also restricting smoking in federal government buildings. Fines for a first offence can be as high as CDN\$100 000 and/or 6 months in prison, with subsequent convictions bringing stiffer penalties. The CMA would like to see heavier taxes to slow sales, a total ban on smoking aboard commercial aircraft in Canada and on Canadian commercial aircraft abroad and legislation stipulating that tobacco products be sold in plain, standard-sized packages that state: "This product is injurious to your health."

INTCLASS A008129

LIONNET, Herve

Canadian anti-smokers ignite new campaign

Chicago Sun-Times (June 4, 1989) p. 1

ABSTRACT - Anti-smokers in Canada are launching another campaign, although the country has some of the toughest anti-smoking laws in the world*, Lionnet reports.

Demanding that smoking be treated as a contagious disease which must be eradicated, anti-smokers are urging the federal government to "treat the epidemic as an epidemic" (sic) and to use every means possible to rid Canada of a tobacco industry. Canadian anti-smoking activists reportedly believe that measures designed to have manufacturers reduce the 'tar' levels of their products, such as those adopted by the European Community, are not tough enough. According to Victor Lachance, Chief Executive of the unnamed group responsible for the campaign, the reduction in 'tar' content may encourage people to smoke. Lionnet claims that the major international tobacco companies have been carrying out a large lobbying effort to overturn the 1988 law banning tobacco advertising and sports sponsorship. Industry action is being countered with demands for ever tougher restrictions on tobacco advertising by the anti-smokers, who are also pushing for a ban on tobacco advertising in tobacconists and kiosks. Not only should all publicity be banned, the anti-smokers further argue, but cigarette packs should have identical, plain designs and be dominated by health warnings. (Editor's note: Similar proposals have been made in New Zealand by the Coalition Against Tobacco Advertising and Promotion).

Lachance also proposes that shops selling cigarettes to those under 16 should forfeit their sales licence.

INTCLASS N011759

ANON

Plain cigarette packs turn young people off

Addiction Research Foundation Journal (Toronto) (February 1 1991)

ABSTRACT - A marketing research team has concluded that fewer teenagers would start smoking if cigarettes were sold in plain white packets. Students aged about 13 years found these packs "dull and boring" and reduced curiosity about smoking was reported. The researchers claim that the cigarette packet as a form of advertising has been underestimated, and that the design of packs has a "huge impact" on the lure of cigarettes for children.

INTCLASS A014218

New Zealand

RAMSAY, Claire

Plain-pack cigarettes could be law

The Dominion (NZ), (January 7, 1990) 1 p.

ABSTRACT N- This article reports on the New Zealand Health Minister's announcement of legislation that would cover all forms of tobacco advertising and promotion (N011530). It notes that plain-pack, or generic, cigarettes may be part of the draft legislation. Health Minister Helen Clark and the Cabinet have reportedly considered draft legislation prepared by the Coalition against Tobacco Advertising and Promotion recommending generic packaging. The Coalition's draft suggests that writing on the packs be limited to the word 'cigarette', the number of cigarettes in the

pack, the brand name, the nicotine and 'tar' content and the health warning.

Opposition health spokesman Don McKinnon is quoted as saying that Clark was going "beyond what is necessary". He suggested instead developing a campaign aimed at young people, especially young Maori girls.

Rothmans NZ Ltd. Director Owen Morgan is quoted as saying that the Coalition's proposed generic packs were a form of censorship: packaging was the means by which people identified their favourite brands.

INTCLASS N011576

(EDITORIAL)

Unscrupulous tobacco fight expected.

Evening Post (NZ), (June 1, 1989), 1 p.

ABSTRACT - Campaigners for a tobacco advertising ban in New Zealand have been told by a Canadian health campaigner to expect a "tough fight without scruples" from the tobacco industry. He claimed that, in Canada, the industry had been behind a "phony letters campaign" to influence politicians. He praised the New Zealand intention to propose plain white packaging for cigarettes with only black type allowed, claiming that distinctive packaging was the industry's "most important form of advertising". Finally, he claimed that children are particularly exposed to tobacco advertising and sponsorship.

INTCLASS N011189

PRESS ASSOCIATION

Anti-smoking coalition to seek 'generic' packs.

Christchurch Press (5th April 1989) 1 p.

ABSTRACT - this article reports on the efforts of the Coalition Against Tobacco Advertising and Promotion to press for the introduction of generic packs of cigarettes sold in New Zealand. Michael Carr-Gregg is reported as stating "...it was hoped generic packaging would help break the images associated with cigarette packages". He also notes that "It was also difficult to market something packaged unattractively..."

Australia

ANON

Doctors call for 'no frills' cigarettes

Sydney Morning Herald (December 10, 1990) p. 4

ABSTRACT - Two New Zealand physicians, writing in the 'Medical Journal of Australia', have called for cigarettes to be sold in generic packs - carrying only a description of content, a health warning and the manufacturer's name - to "overcome the powerful, glamorous images of brand-name products".

The two Wellington-based doctors, Dr. Michael Carr-Gregg and Dr. Alan Grey, also said that laws aimed at restricting cigarette advertising would be only partly successful without efforts to counter the brand image of packaging.

They also claimed that generic packaging would reduce the tobacco industry's incentive to promote brands through sponsorship and retail displays.

Meanwhile, an Australian anti-smoking group has predicted that increasing numbers of workers will seek compensation for illnesses allegedly caused by ETS

exposure at the workplace. Two executives from Action on Smoking and Health (ASH) said patients, doctors and lawyers were increasingly confident about taking such cases to court.

A recent report estimates that 146 Australians die each year from lung cancer allegedly caused by ETS exposure.

INTCLASS N012445

Miscellaneous Items

(ADVERTISEMENT)

Displays for sale: Invercote. The importance of good taste: Iggesund Paperboard.
Tobacco Journal International (July/Aug 1990) 2 p.

ABSTRACT - This advertisement notes that "The more rules and regulations that restrict cigarette advertising; the more important the pack becomes. If you want to go up-market, the pack becomes even more significant."