



SUBMISSION ON THE REVIEW OF THE SMOKE-FREE ENVIRONMENTS REGULATIONS 1999

THE CANCER SOCIETY OF NEW ZEALAND

INTRODUCTION

- 1. Are there other considerations that should be applied when assessing policy options for adoption (further to those set out in Section 1.5.5 above)?**

The Cancer Society of New Zealand (CSNZ) applauds the work of the Ministry of Health in the area of tobacco control but urges the Review to consider the resourcing needs, both human and funding, if the recommended changes are to be effectively implemented. Our responses contain at times strong recommendations for further research to guide actions; this area too must be adequately funded. Without the appropriate funding and allocation of resources in the area of tobacco control, potential health gains may be lost.

We need to continue the positive momentum of the Smoke-free Environments Amendment Act 2003 and take a comprehensive approach to tobacco control. To reduce smoking rates, the World Health Organization recommends a mix of taxation, cessation, health promotion, legislation and research.

Cancer accounts for over a quarter of all deaths in New Zealand and cigarette smoking is responsible for 25% of all cancer deaths. For Maori, the number of deaths attributable to tobacco-related disease and illness rises to 33%. The human cost is too high to be given a lower priority than the protection of the business rights, and consequently the profits, of the tobacco industry.

HEALTH WARNINGS AND OTHER INFORMATION ON TOBACCO PACKAGING

- 2. Do you support Option 2 (inserts in tobacco packs) as a means of achieving the Government’s stated objectives of complying with Article 11 of the FCTC, and ensuring that optimal warnings, messages and other information are required to be placed on all tobacco products?**

CSNZ gives its conditional support to Option 2, the inclusion of inserts if:

- Evidential research supports their use
- The Ministry of Health controls the content and layout of the inserts
- The inserts are used only in conjunction with our other health warning recommendations.

- 4. Do you support Option 3 (textual warnings) as a means of achieving the Government’s stated objectives of complying with Article 11 of the FCTC, and ensuring that optimal warnings, messages and other information are required to be placed on all tobacco products?**

We support the use of textual warnings only when used together with pictorial warnings. The impact of the current messages is likely to dull over time and the addition of the pictorial warnings and changes in the formatting may help to revive the efficacy of the warnings.

- 5. If textual and style changes were the chosen option for regulatory changes to give effect to the Government’s stated objectives, what specific changes would you like to see, including in respect of:**

5.1 specific messages to be retained on tobacco packages

Based on evidential research conducted in NZ, retain the most effective current warnings. Replace the less effective warnings with the recommended additional messages listed below. The CSNZ supports the use of colours and borders to help communicate the message.

5.2 specific messages to be added to tobacco packages

- More positive messages about the benefits of quitting – including the health, social, and financial benefits
- Information about toxins, poisons nicotine and cigarettes
- Contact information for the Quitline
- Tips on quitting

5.3 number of messages to be rotated at any one time

The CSNZ recommends 8 – 10 messages being rotated each year but this number could be determined by further research. Changing the messages is vital to encourage people to think about the behaviour of smoking.

5.4 colours of messages and their respective backgrounds

Use best available evidence to determine colours that will achieve a distinct colour contrast.

5.5 style of borders around health warnings?

Use best available evidence to determine the style of borders that will act to attract attention to the warning.

6. Are there any other packaging and labelling changes under Option 3 that you think would be worthy of consideration?

All recommendations regarding text warnings should be presented in simple language so that all people can process and understand the information.

8. What macro policy considerations (if any) from Section 1.5 of this document do you think would support or inhibit adoption of Option 3? How would they have this effect?

Protection of corporate trademarks and business rights must not be given priority over the protection of human health and life. Tobacco smoking kills around 4500 New Zealanders every year. Governments have a responsibility to protect the health, safety and welfare of their citizens and this includes protecting consumers from harmful products.

9. Do you support Option 4 (pictorial warnings) as a means of achieving the Government's stated objectives of complying with Article 11 of the FCTC, and ensuring that optimal warnings, messages and other information are required to be placed on all tobacco products?

The CSNZ fully supports Option 4 and only supports Option 3 if text warnings are combined with pictorial warnings. There is a growing body of international research supporting bold, graphic health warnings modelled on the Canadian and Brazilian warnings. Research also indicates that pictorial warnings are more effective than text warnings and can increase the effectiveness of anti-smoking campaigns.

10. If pictorial warnings were the chosen option for regulatory changes to give effect to the Government's stated objectives, what specific changes would you like to see, including in respect of:

- **specific messages and supporting information to be included on tobacco packages**
- **number of messages to be rotated at any one time?**

The CSNZ recommends that specific messages and supporting information to be included on tobacco packages, and the number of rotating messages to be rotated at any one-time should be based on research findings from New Zealand and other international research.

- 11. What macro policy considerations from Section 1.5 of this document do you think would support or inhibit adoption of Option 4? How would they have this effect?**
- 13. Are there any other suggestions in relation to the adoption of Option 4 that you think would be worthy of consideration?**

The Government has a duty to protect New Zealanders from a product such as tobacco, which is both highly addictive and extremely hazardous. Smoking causes one in four of all cancer deaths in New Zealand, and therefore, the incidence of tobacco-related deaths and disease demands a high level of regulation.

- 14. Which option (if any) for the area of the tobacco pack to be taken up with health information do you support? Why?**

The CSNZ supports the maximum amount of space to display warnings and therefore recommends Option 4. As research indicates that the front of the pack is the most often viewed side, we would recommend that 100% of the front is used for rotating pictorial warnings and textual information.

- 16. Which option for rotation of messages do you support? Why?**

The CSNZ supports option 2 as it allows for the evaluation and assessment of both current and new messages.

- 17. What number of warnings for inclusion on tobacco packs at any one time do you support?**

The CSNZ supports 8-10 warnings at any one time but this number should be determined by further research. Changing the messages is vital to revive interest and encourage people to think about the consequences of smoking.

- 19. Which option(s) for the placement of health information in te reo Māori on tobacco packaging (if any) do you support? Why?**

The CSNZ supports Option 2 that the warnings are bilingual in recognition of the disproportionate number of Maori who smoke and the significant number of Maori deaths attributable to tobacco-related disease and illness.

20. Do you support allowing tobacco companies to attribute the health information they are required to place on tobacco packaging to the Ministry of Health? Why or why not?

Yes, the health information should be attributed to (and controlled by) the Ministry of Health, in line with the FCTC recommendations.

21. Should attribution of health information to the Ministry of Health be voluntary or mandatory? Why?

Attribution to the Ministry of Health should be mandatory because tobacco companies have a poor track record for upholding their voluntary commitments.

22. Do you consider that the health information labelling standard for cigar packaging should be different from that for other tobacco products? Why or why not?

No, cigars carry serious health risks and therefore should be labelled like any other tobacco product.

23. Do you consider that other products should also be subject to a different standard of labelling? Which products? Why or why not?

No, one consistent standard of labelling should be applied to all tobacco products.

25. Do you support retention of the 0.2 percent rule for importers of brands of tobacco with low market share? Why or why not?

No, the CSNZ does not support the retention of this rule. All tobacco products should be treated the same.

26. Do you support including a referral to the Quitline on tobacco packaging?

Yes, as outlined previously in the suggestions for textual messages, it is important that a health warning be combined with a positive quit message and a referral to the Quitline for assistance.

27. What wording referring people to the Quitline would you support?

'For quit smoking support and advice, call Quitline on 0800 778 788 or visit www.quit.org.nz'. This message should be developed with The Quit Group who have the expertise.

28. Which option for the inclusion of constituent information on packs of manufactured cigarettes do you support? Why?

The CSNZ recommends that once the results of the BRC's focus groups are available, decisions about the most effective way to document constituents should then be made.

30. Which option for the inclusion of constituent information on packs of roll-your-own tobacco, cigars, pipe tobacco, bidis and other forms of tobacco that are not manufactured cigarettes do you support? Why?

CSNZ supports the option that all forms of tobacco should have the same information as manufactured cigarettes.

32. What transition period should be provided for tobacco companies to implement new regulations setting requirements for the labelling of tobacco packs with health information?

The CSNZ recommends a minimum of 6 months to a maximum of 12 months.

35. Should a formalised review period be built into the regulations that introduce new health information labelling on tobacco packaging?

Yes, an outcome evaluation must form part of this review.

36. How often should tobacco health labelling requirements be reviewed with a view to maintaining and enhancing their impact?

The CSNZ would recommend a review after one year and then thereafter, two yearly.

DESCRIPTORS ON TOBACCO PACKAGING

37. Which option or mix of options for addressing concerns about the use of misleading descriptors on tobacco product packaging do you support? Why?

The CSNZ supports Option 1 in conjunction with Option 3 as evidence indicates that the use of such descriptors is misleading.

- 38. What are the policy, legislative and compliance cost issues that would need to be considered should Option 3 (banning descriptors) be taken forward?**

CSNZ supports the adoption of Option 3. Descriptors need to be explicitly banned and any costs associated with the arguments to the contrary put forward by the tobacco industry should be met entirely by the tobacco industry.

- 39. What barriers are there to the successful implementation of a ban on misleading descriptors? What mechanisms might address those barriers?**

The industry will attempt to obstruct implementation through arguing protection of trade agreements and intellectual property. However, it is a challenge that can readily be defended given the mounting evidence that the industry knowingly and wilfully promoted light and mild products as safer when they knew this not to be true. It is essential that the Ministry of Health be prepared to retain expert legal assistance and advice from the international tobacco control community.

DISCLOSURE

- 40. Which option or options for the future disclosure of the contents of tobacco products (constituents, additives and emissions) do you support?**

The CSNZ strongly opposes Option 1 and supports Options 3, 4 or 5. Consumers have a right to know what is put into cigarettes brand by brand. The information on the contents of tobacco products could be made available on a website.

- 41. If you support Option 3 (either by itself or as part of Option 4), do you consider that protections should be built into the legislation to prevent the disclosure of commercially sensitive brand recipes for tobacco products?**

The CSNZ does not support protections.

- 42. What are the compliance costs associated with the disclosure option?**

The tobacco industry should pay for all compliance costs.

TOBACCO PRODUCT MODIFICATION AND HARM REDUCTION

- 43. Which approach(es) to testing of tobacco products (if any) do you think bears further consideration? Why?**

The CSNZ support Options 1, 2, and 3 and also support using Recommendation 6 from the WHO's Study Group on Tobacco Product Regulation and the basis for further development of Option 3.

44. Are there other approaches that could be considered?

We recommend that the Tobacco Industry reveal all current and future research.

46. Are there any other risks or benefits of a policy of regulating tar and/or nicotine in New Zealand tobacco products?

CSNZ is concerned that such a policy may mislead New Zealanders to believe that they can safely smoke and recommends that further research is conducted.

47. Are there any other risks or benefits associated with a policy of regulating the additives that may be added to New Zealand tobacco products?

No evaluation of the impact of the additives being used in New Zealand tobacco products has been done. The CSNZ suggests that this is a vital area for further research and should be paid for by the Industry and completed by authorities such as ESR under direction of the Ministry of Health.

The CSNZ supports further investigation of the following recommendations from Bates et al 1999.

- **Disclosure.** As a first step, manufacturers should be required to disclose all additives used in tobacco products, by brand, to a regulator - in the UK this is the Department of Health. This approach has already been adopted in Massachusetts and British Columbia.
- **Public information.** Such information should not be confidential, but made available to the public through publications, the Internet or on request from the regulator.
- **Packaging.** There may be some additives that should be listed as ingredients on tobacco product packaging. This is a separate decision to a requirement for disclosure and making the information public in other ways -- the right approach will depend on assessment of the direct value of such information to consumers.
- **Disclosure of purpose.** Tobacco companies should be required to disclose the purpose of an additive and any secondary consequences - whether intentional or unintended.

- **Conduct and disclosure of research.** Tobacco companies should be required to undertake extensive toxicology and pharmacological testing of all additives.
- **Regulatory challenges.** Regulators should have the power to challenge any of the existing 600 additives currently allowed and to have them removed until the manufacturer is able to show that no extra harm to the public arises as a direct or indirect result of the additive. If it is impossible to supply evidence, for example because of restrictions on animal testing, then under a precautionary approach the additive should be banned.
- **Focus on pharmacologically active additives.** There should be an automatic challenge to any additive thought to have a direct or indirect pharmacological influence. New additives should be permitted only if the manufacturer can show that no extra harm or other net negative consequences arise from use of the additive.
- **Permit essential additives.** Any regulatory framework should permit additives necessary for the manufacture and storage of tobacco products providing these are safe, but should challenge all additives that may influence smoking behaviour.

48. Are there any other risks or benefits associated with a policy of regulating the design of tobacco products to reduce their harm?

The CSNZ believes that there is no such thing as a ‘safe’ cigarette so we support strong regulatory measures to contain the tobacco industry and work towards our objective of reducing the prevalence of cancer.

From Section 5.4.2.4

49. Are there any other risks or benefits associated with a policy of allowing reduced smoke products to be sold (and marketed) in New Zealand?

The CSNZ supports quitting smoking rather than continued smoking in whatever form. The CSNZ supports the objectives of The Quit Group. The CSNZ does not support the introduction of such products.

50. What regulatory controls and other measures would be required to mitigate against risks of reduced smoke products?

Reduced smoke products should be subjected to the same processes necessary to bring a new medicine into New Zealand.

51. Are there any other risks or benefits associated with a policy of allowing snus to be sold in New Zealand?

The CSNZ strongly opposes the introduction of any oral tobacco product. There is no evidence to suggest that snus would reduce the number of smokers in New Zealand. It would only introduce another addictive product to the market that could potentially target NZ youth and attract people who otherwise would not have become tobacco users.

From Section 5.4.2.5

- 52. Should further consideration be given to the idea of allowing (or promoting) the marketing of alternative nicotine delivery products?**

The CSNZ does not believe that any alternative nicotine delivery product should be allowed to be for sale or marketed in New Zealand.

From Section 5.5.4

- 54. Do you agree with the core set of principles outlined above (principles 1 to 7) for government intervention to reduce the harm associated with tobacco products?**
- 55. Do you support any of the alternative principles (principles 8 to 11) in preference to core principles 2 and 4?**

CSNZ supports Principles 1 – 7 and supports the inclusion of alternative principal 8 “First do no harm”.

- 56. Are there alternative or additional principles that you would like to see guide future government regulatory action in the area of tobacco-product harm reduction?**

No