TO: Board of Health
FROM: Councillor Joe Mihevc
RE: Plain and Standardized Packaging of Tobacco Products
DATE: June 13, 2016

RECOMMENDATIONS:

That the Board of Health:

1. Request the Minister of Health to enact legislation to require plain and standardized packaging for all tobacco products in Canada; and

2. Request the Medical Officer of Health to submit comments to Health Canada on their "Consultation on 'Plain and Standardized Packaging' For Tobacco Products" document on proposed measures for regulating the appearance, shape, and size of tobacco packages and products.

Background:

Consumption of tobacco products and exposure to second hand smoke are leading causes of preventable death in Canada. Tobacco products contain a myriad of chemicals that are associated with significantly elevated risk for lung cancer, other respiratory diseases, and cardiovascular disease.

The tobacco industry uses packaging as a key mechanism to market their products to new and current smokers. Evidence has shown that the branding strategies employed by the industry are particularly effective when marketing to women and youth.

Several countries around the world have implemented plain packaging policies, including Australia, the United Kingdom, Ireland, and France. Studies have shown that plain packaging reduces the appeal of tobacco products, increases the effectiveness of health warnings, and reduces the utility of packaging as a way to mislead consumers about the harms associated with smoking. The World Health Organization's Framework Convention on Tobacco supports the implementation of plain packaging policies as a
means to retain the effectiveness of health warnings on packages.

At its meeting on November 22, 2010, the Board of Health endorsed the Tobacco Strategy Advisory Group (TSAG) report entitled "Building on Our Gains, Taking Action Now: Ontario's Tobacco Control Strategy for 2011-2016", and its recommendations to the Ontario Minister of Health Promotion and Sport. The TSAG report recommended that the Province mandate plain and standardized packaging to prevent the use of customized packaging and branding to strategically market tobacco products.

In his November 2015 Minister of Health Mandate Letter, Prime Minister Trudeau highlighted the establishment and implementation of plain and standardized packaging for tobacco products as a top priority. In May 2016, Health Canada released a document entitled, "Consultation on 'Plain and Standardized Packaging' For Tobacco Products", outlining proposed regulatory measures on plain and standardized packaging. This has created a crucial opportunity to advocate for action on this issue at the federal level.

Sincerely,

Councillor Joe Mihevc
Ward 21, St. Paul's West

Attachments:

Attachment 1: International overview of plain packaging policies, Canadian Cancer Society
Attachment 2: Backgrounder on the issue and signed endorsement from Dr. McKeown
Plain Packaging – International Overview

Plain packaging would prohibit brand colours, logos and graphics on tobacco packages, thus eliminating the package as mini-billboards that promote tobacco. Required health warnings would appear on packages, but the branded part of the package would have a standard colour for all brands, such as the drab brown required in Australia (see images on page 3). Package dimensions would be standardized, thus eliminating Slims and Superslims packs targeting women.

Plain packaging would (1) eliminate promotional aspects of packaging; (2) curb deceptive messages conveyed through packaging; (3) enhance the effectiveness of health warnings; (4) reduce tobacco use. Plain packaging would build on existing packaging regulation that requires health warnings, that requires toxic emission messages on package sides, and that prohibits misleading descriptors “light” and “mild.”

**International developments**

**Summary:** Plain packaging was implemented in Australia in 2012, has been adopted in France and the United Kingdom for implementation May 20, 2016, has been adopted in Ireland awaiting commencement date, and is under formal consideration in Norway, Hungary, Sweden, Finland, Canada, New Zealand, Singapore, Belgium, Turkey and South Africa.


**United Kingdom** – Plain packaging regulations approved March 16, 2015, to come into force May 20, 2016, applying to England, Wales, Northern Ireland and Scotland. **International developments**

**France** – Plain packaging legislation adopted December 17, 2015, to come into force May 20, 2016. This legislation was upheld on Jan. 21, 2016 as constitutional by France’s Constitutional Council. On July 20, 2015, France hosted a 10-country ministerial meeting on plain packaging. **International developments**

**Ireland** – Plain packaging legislation enacted March 10, 2015, awaiting commencement date intended for May 20, 2016. **International developments**


**Hungary** – On June 25, 2015, Minister Overseeing the Office of the Prime Minister stated Hungary was planning to implement plain packaging. On September 21, 2015, Hungary provided notification of a draft Decree that included plain packaging. **International developments**

**Singapore** – On Dec. 29, 2015, Singapore launched a public consultation on plain packaging ending March 29, 2016. **International developments**

**Canada** – New Government elected Oct. 19, 2015 committed in electoral platform to implement plain packaging. On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority.” **International developments**

Belgium – Public Health Minister announced April 9, 2016 that Belgium to have plain packaging by 2019.

Sweden – Health Minister announced, on February 18, 2015, that a Committee examining implementation of the new EU Tobacco Products Directive would consider plain packaging.

Finland – Government national action plan (June 2014) includes plain packaging as planned measure.

Turkey – Plain packaging included in government national action plan for 2015-2018.

South Africa – Health Minister stated July 24, 2014 that he wants to implement plain packaging, and stated March 18, 2015 that legislation will be introduced in Parliament to implement plain packaging.


WHO Framework Convention on Tobacco Control (FCTC)
Guidelines under the FCTC, the international tobacco control treaty, recommend that governments consider implementing plain packaging. The FCTC has been widely ratified by countries, with 180 Parties to the FCTC.

Evidence supports plain packaging
- There is compelling evidence, including extensive studies, supporting implementation of plain packaging. An updated March 2014 evidentiary overview, reviewing 75 empirical studies, was prepared by University of Waterloo Professor David Hammond for the Irish Government. In the United Kingdom, the Chantler Review (2014) and the Stirling Review (2011) provide extensive evidence. A special issue of the journal Tobacco Control was published in April 2015 with a series of studies on the Australian experience, providing yet further evidence. Fact sheets on the Australian experience to date are available (Cancer Council Victoria, March 2015).
- If plain packaging would not work to reduce smoking, then why is the industry so strongly opposed?

The Canadian situation
- New national government elected October 19, 2015 committed in electoral platform to implement plain packaging. On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority”.
- Plain packaging could be required by regulation under the federal Tobacco Act.
- Plain packaging was recommended in 1994 by the House of Commons Standing Committee on Health.
Examples of Plain Packaging from Australia

Before

After

Packages of Benson & Hedges, Dunhill and Marlboro cigarettes in plain packages from Australia

English:  
French:  
Arabic, Chinese, Portuguese, Russian, Spanish:  

Canadian regulations concerning packaging and labelling are as follows:  
*Tobacco Products Labelling Regulations (Cigarettes and Little Cigars)*, SOR/2011-177.  
*Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)*, SOR/2011-178.  

*Trade Marks Amendment (Tobacco Plain Packaging) Act 2011*, No. 149, 2011.  


4 The text of the decision was not immediately published. See Cancer Council Victoria, “Australia successfully defends plain packaging against Philip Morris legal challenge” Dec. 18, 2015 (news release).  
9 Bill relating to health, no. 2302, deposited October 15, 2014; amendment AS1408 on plain packaging approved by National Assembly Social Affairs Committee, March 18, 2015, final approval by Parliament December 17, 2015. For the bill, see (the health bill contains measures beyond tobacco control):  
[http://www.assemblee-nationale.fr/14/ta/t0650.asp](http://www.assemblee-nationale.fr/14/ta/t0650.asp)

https://www.legifrance.gouv.fr/jopdf.do?id=JORFTEXT000032276104


https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000032276123


http://www.sante.gouv.fr/IMG/pdf/250914_-_Dossier_de_Presse_-_PNRT_2_.pdf

Speech by French Health Minister Marisol Touraine, September 25, 2014 (French):

http://www.sante.gouv.fr/IMG/pdf/250914_-_Discours_Marisol_Touraine_-_PNRT.pdf

10 Constitutional Council [France], Loi de modernisation de notre système de santé [Law to modernize our health system], Decision no 2015-727 DC of 21 January 2016.


12 Public Health (Standardised Packaging of Tobacco) Bill 2014, Bill Number 54 of 2014, introduced in the Seanad (Senate) June 11, 2014, approved by Senate June 25, 2014, approved with amendments by Dail (lower house) Feb. 26, 2015, bill as amended approved by Seanad March 3, 2015. The bill was signed by the President March 10, 2010. Some Ministerial regulations/orders are still needed, such as to specify the base colour of packages.


On Nov. 20, 2015, Ireland gave notification to the European Commission of draft Public Health (Standardised Packaging of Tobacco) Regulations 2016.


13 Norwegian Ministry of Health and Care Services, “Norway consults on standardised tobacco packaging and FCTC Article 5.3” (press release) March 17, 2015.


Consultation documents (Norwegian):

https://www.regjeringen.no/nb/dokumenter/horing-av-forslag-til-innforing-av-standardiserte-tobakkspakninger-og-gjennomforing-av-tobakksskonvensjonen-artikkel-5.3-i-norge/id2401022/

14 Draft amendments to Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (Standardised packaging) and draft amendment to Regulations no 141 of 6 February 2003 on the contents and labelling of Tobacco products. Notification provided to European Commission May 5, 2015. Norway is not a member of the EU, but is a member of the European Free Trade Association.


http://budapestbeacon.com/politics/janos-lazar-phillip-morris-is-attacking-hungary/24716


17The Dec. 29, 2015 Singapore Health Promotion Board announcement of the consultation can be seen here:
18In the Oct. 19, 2015 election, the Liberal party (which won a majority) included plain packaging in its electoral platform (p.21): https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf
19Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). http://pm.gc.ca/eng/minister-health-mandate-letter
20Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, Bill 186-1, first reading Feb. 11, 2014.
http://www.parliament.nz/resource/en-nz/50DBSCH_SCR57000_1/3b7b2a74d0e52515fe2023cdcf1ac3c15fd156d4
22The New Zealand bill continues and is renumbered as Bill 186-2 following Sept. 20, 2014 national election.
27Government of Turkey, Turkish National Tobacco Control Program and Plan of Action 2015-2018, p.27, item 1.1.
http://in.reuters.com/article/2014/07/24/safrica-tobacco-idINL6N0PZ4FZ20140724
The Minister of Health made this statement at the 16th World conference on Tobacco or Health held in Abu Dhabi, United Arab Emirates, March 18, 2015. [https://www.youtube.com/watch?v=4z9EHS_LehE](https://www.youtube.com/watch?v=4z9EHS_LehE)


On Dec. 23, 2015, the Advocate General of the European Court of Justice released an opinion concluding that the EU Directive was valid, including the option to implement plain packaging. This opinion, which is preliminary to a decision of the European Court of Justice, was in response to a legal challenge from the tobacco industry.

[http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxilC3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911](http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxilC3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911)

Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products), paragraph 46.

[http://www.who.int/fctc/guidelines/article_11.pdf?ua=1](http://www.who.int/fctc/guidelines/article_11.pdf?ua=1)


For a list of Parties, see: [http://www.who.int/fctc/signatories_parties/en/](http://www.who.int/fctc/signatories_parties/en/)


[http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF](http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF)


*Tobacco Control*, April 2015, Volume 24, Number Supplement 2

[http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc](http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc)

Cancer Council Victoria, five fact sheets, released March 2, 2015


See also Quit Victoria, Cancer Council Victoria, “Plain packaging of tobacco products: a review of the evidence” August 12, 2011.


In the Oct. 19, 2015 election, the Liberal Party (which won a majority) included plain packaging in its platform (p.21): [https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf](https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf)

Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). [http://pm.gc.ca/eng/minister-health-mandate-letter](http://pm.gc.ca/eng/minister-health-mandate-letter)


Plain Packaging

Issue
The Canadian Cancer Society has prepared an endorsement form for federal action on plain packaging, to be completed by national, provincial and regional health agencies. The federal government has already signalled its commitment to plain packaging. On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health indicated that introducing plain packaging requirements for tobacco products is a “top priority”.¹

The objective of plain and standardized packaging requirements is to eliminate any promotional features on tobacco packages and on cigarettes themselves, including distinctive colours, images, slogans or packaging formats (e.g. no slim or super-slim cigarette packages). Only health warnings would remain on packages.

Australia has had plain packaging since 2012, and legislation mandating plain packaging will be implemented in the United Kingdom, Ireland and France on May 20, 2016. An evaluation of the Australian plain packaging policy conducted one year after implementation found that it had achieved its objectives of reducing the appeal of tobacco, increasing health warning effectiveness and reducing the ability of packaging to mislead about smoking harms.² A 2014 evidence review by the World Health Organization had similar findings and noted that plain packaging is particularly effective to reduce attractiveness of tobacco products to women and young people.³

Board of Health involvement
At its meeting on November 22, 2010, the Board of Health endorsed the Tobacco Strategy Advisory Group (TSAG) report and recommendations to the Ontario Minister of Health Promotion and Sport entitled "Building on Our Gains, Taking Action Now: Ontario’s Tobacco Control Strategy for 2011-2016".⁴ The TSAG report outlined concerns that tobacco companies use appealing packaging as a form of promotion. It recommended that the Province mandate plain and standardized packaging. While the endorsement form would urge action at a Federal level, it is consistent with the recommendations in the TSAG report.

Prepared by: Julie Amoroso, Health Policy Specialist, Healthy Public Policy
Contact: Loren Vanderlinden, Manager, Healthy Public Policy
Date: May 5, 2016

¹ Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). http://pm.gc.ca/eng/minister-health-mandate-letter
Endorsement of Plain and Standardized Packaging

Plain and standardized packaging would prohibit all promotional features on all tobacco packaging, including the use of colours, images, logos, slogans, distinctive fonts, and finishes. Only the brand name would be allowed. Health warnings would remain on packages. The size and shape of the package would be standardized, thus prohibiting specialty package formats, such as slim and superslim cigarette packages that reduce warning size and overtly target women. The appearance of cigarettes would also be standardized, at a minimum prohibiting the use of branding, logos, colours and special finishes, and establishing standards for cigarette length and diameter.

Our organization endorses a requirement in Canada for plain and standardized packaging, as outlined above.

Name of organization: ____________________________
TORONTO PUBLIC HEALTH

Name of organization representative: ____________________________
DR DAVID MCKEOWN

Title: ____________________________
MEDICAL OFFICER OF HEALTH

Signature: ____________________________

Date: ____________
6/5/16

Name and email for organization contact: ____________________________
dmckeeown@toronto.ca