

# Position Paper

*The position of the Association of European Cancer Leagues (ECL) and the Smoke Free Partnership on the revision of the tobacco products directive 2001/37/EC*





Speaking at the European Parliament in February, the European Commissioner for Health John Dalli showed images of cigarette packs in different colours and shapes.

“Cigarette packages are increasingly used as marketing tools, and slim, colourful, attractive packages are available on the market,” he said. “Tobacco packages should look dissuasive, not appealing. When people look at a package of cigarettes, they need to get the message that this product can harm their health.”

***European Voice, 19 April 2012***

# Introduction

*The Tobacco Products Directive (2001/37/EC) (TPD 2001) dates from 2001. It stipulates maximum limits in cigarettes for substances such as nicotine, tar and carbon monoxide. It also requires manufacturers to put textual health warnings on tobacco products and ban terms such as «light», «mild» or «low tar».*

*Through the revision of this Directive, the Commission seeks to regulate tobacco products on a uniform basis in all Member States, to improve awareness of dangers of tobacco use, to **increase motivation to quit and to discourage initiation of smoking.***

## What is the Association of European Cancer Leagues?

ECL is an alliance of national and regional cancer leagues. This non profit organisation based in Brussels was created in 1980. It consists of members located all over extended Europe. Cancer leagues join their efforts to prevent and to fight cancer, provide support to cancer patients and their relatives, and improve the quality of treatments.

[www.europeancancerleagues.org](http://www.europeancancerleagues.org)


## What is the Smoke Free Partnership?

The Smoke Free Partnership brings together the European Respiratory Society (ERS) Cancer Research UK (CR-UK) and the European Heart Network (EHN). It aims to promote tobacco control advocacy and policy research at EU and national levels in collaboration with other EU health organisations and EU tobacco control networks.

[www.smokefreepartnership.eu](http://www.smokefreepartnership.eu)

# Priorities

*The following text reflects the position of the Association of European Cancer Leagues and has been elaborated in close cooperation with the Smoke Free Partnership:*

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- 1** *Highest priority: stress the importance of large (80%) mandatory pictorial warnings at the front and back of all tobacco products (not only cigarette packs) in combination with standardized/plain packaging,*
  - 2** *High priority: stress the importance of adding quit lines on the pack of all tobacco products.*
  - 3** *High priority: stress the importance of the removal of misleading tar/nicotine/CO figures on all tobacco products.*
  - 4** *High priority: maintaining the ban on snus*
  - 5** *High priority: banning of ingredients and additives which increase the attractiveness of tobacco products in accordance with guidelines on article 9&10 of the WHO- FCTC adopted at the Fourth Conference of the Parties in Uruguay on 20th November 2010*
  - 6** *High priority: banning the display of tobacco products at the Point of Sale*

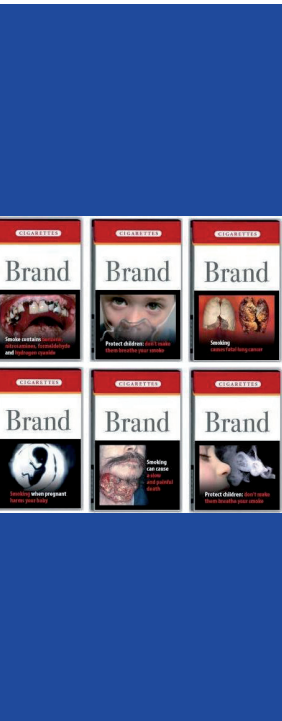
# The highest priority 1

Stress the importance of large (80%) mandatory picture warnings at the front and back of all tobacco products (not only cigarette packs) in combination with standardized/plain packaging.

***Under Article 5.3 of the TPD 2001, Member States have the option to adopt pictorial warnings. This situation emphasized the right of Member States to go further than the Directive to protect public health as set out in Article 30 of the Treaty of the Union (now article 36).***

***Six years after the adoption of the library of 42 pictorial health warnings by the European Commission, ten Member States have adopted legislation to introduce pictorial health warnings (Belgium, Romania, United Kingdom, Latvia, Malta, France, Spain, Hungary Ireland and Denmark) and one Member State (Poland) has stated its intention to introduce pictorial health warnings in the very near future. Such measures are in compliance with the current TPD and are welcomed by the tobacco control community. However, their adoption by some Member States necessarily creates growing discrepancies between Member States.***

***Crucial importance of pictorial health warnings***  
***Evidence shows that text only warning messages are not as effective as pictorial warnings. Pictures, especially fear inducing pictures, are proven to be effective in getting consumers more engaged with the warning message. Pictures are able to immediately provoke a***



*reaction and prompt people to read the associated text message<sup>1</sup>.*

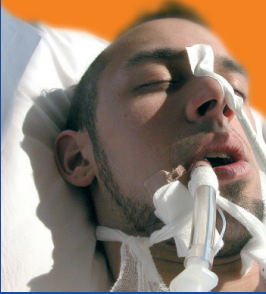
### ***The need for pictorial health warnings on both sides of the pack***

*There is also evidence that pictures on both sides of the packaging have a greater impact<sup>2</sup>.*

### ***The need for large pictorial health warnings (80%)***

*The global trend is towards larger health warnings. Uruguay, for instance, has implemented legislation to make pictorial health warnings obligatory, covering 80% of the front and the back of cigarette packs. In Australia, health warnings will be required to cover 75% of the front of packs and 90% of the back of packs from 1 December 2012. Evidence clearly shows that increasing the size of warning messages (text only and combined text and picture) increases the effectiveness of the warning amongst both young and adult smokers / non smokers. Research carried out in Canada by Createc<sup>3</sup> on behalf of Health Canada in 2007 showed that young and adult smokers/non smokers are sensitive to the size of health warning messages. Results showed that warning messages that cover 100% of the pack are significantly more effective across all measured effectiveness indicators compared with warning messages that cover only 50% of the pack.*





### ***The importance of the rotation***

*Warning texts and pictures should be displayed on a rotating basis so that each message is given equal display and can reach its target audience.*

### ***The effectiveness of shocking health warnings and targeted messages***

*As specified in the Sambrook Research International report, fear inducing warnings (using strong “shocking” images related to health risks such as rotten teeth or throat cancer) and strong emotion inducing warnings (especially involving children and unborn babies) are the most effective way to educate consumers on the health risks of tobacco use and to achieve changes in attitudes and behavior. These warnings’ effectiveness is enhanced if they are used in conjunction with a quit line.*



### ***Health warnings on water pipes***

*There is a growing body of evidence to show that water pipes are at least as hazardous, if not more so, than other forms of tobacco use. Warnings should also be included on the packaging of tobacco used in water pipes.*



### **Generic or plain packaging**

*In Australia, plain packaging for tobacco products will become obligatory from 1 December 2012. We strongly recommend the introduction of standardized/plain packaging. This should include not only the removal of all branding from the packaging but the size and shape of the packaging should also be standardized. Not only would this prevent the promotion of smoking through branding as occurs presently, but it would reinforce the health warning messages. Tobacco packaging provides a direct link between consumers and manufacturers and is the main marketing channel, particularly in jurisdictions with tobacco advertising bans. Branding gives the misleading impression some cigarettes are safer than others. The tobacco industry claims that plain packaging would contravene intellectual property law. However, legal analysis concludes that this is incorrect and there are no international legal impediments to the implementation of generic packaging.<sup>4</sup>*



## High priority 2

Stress the importance of adding quit lines on the pack of all tobacco products.

***In Belgium, all cigarette packs mention the quit line since 1 January 2011, which resulted in an increase of the calls by 66% in 2011. As underlined in the Sambrook research (p46), providing a telephone number on the pack is more effective than telling smokers to seek advice from a doctor or pharmacist.***

## High priority 3

Stress the importance of the removal of misleading tar/nicotine/CO (TNCO) figures on all tobacco products.

***Replace TNCO quantitative labeling with qualitative information on contents, emissions and quit-lines***

***The inclusion of machine-based tar, nicotine and carbon monoxide yields on cigarette packs promotes the mistaken belief that some cigarette brands are less harmful than others<sup>5</sup>. We support the proposal to replace numerical measurements with descriptive information on the hazardous effects of tobacco constituents and emissions.***

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## High priority 4

### Maintaining the ban on snus

***The ban on snus should definitely be maintained. This is high priority. Indeed, there is no legitimate reason to reintroduce a carcinogenic and addictive product onto the EU market.***

***Furthermore, if the ban on snus were to be lifted, it could encourage dual use of cigarettes and smokeless tobacco and discourage total abstinence from tobacco, thus weakening any potential health gains. In this context, we stress that there are already available effective treatments for nicotine addiction, including medicinal or ‘clean’ nicotine (NRT), that do not carry the risks associated with the use of snus. These should be promoted first and foremost. It is clear that the public health interest can be served even more by encouraging a) greater use of these treatments and b) the development of more effective cessation aids, especially those that mimic more closely the nicotine ‘hit’ delivered by cigarettes.***

***Regarding other forms of smokeless tobacco products, ECL and Smoke Free Partnership do not believe that they should be “marketed” in all Member States. We recognize that they are as addictive and dangerous as smoked tobacco. As stated in the Opinion of the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), many forms of smokeless tobacco increase the risk of mouth, esophageal, pancreatic and liver cancer, and***



*other conditions including gum and heart disease. However, we also know that these products are mostly consumed in the UK and used by South Asian communities; introducing an EU-wide ban on these products now could lead to the creation of an unnecessary illegal market, pushing consumption underground. This is why we do not recommend an immediate ban on all types of smokeless tobacco products; we do recommend that they should be regulated in the same way as tobacco products.*



*All tobacco products are hazardous to health – there is no safe level of usage. Therefore we recommend that the scope of the Directive include the regulation of any new smoked tobacco products (such as low emission or nicotine-free cigarettes), while the prohibition of any novel forms of oral tobacco, including snus, should be maintained.*

*Herbal cigarettes are also harmful because it is the combustion and inhalation of smoke that causes most of the harm from smoking. Therefore, herbal cigarettes should be included in the scope Tobacco Products Directive and should also be subject to health warnings requirements.*

*Finally, all forms of nicotine based products (that is, products containing nicotine but which are not tobacco products, such as electronic cigarettes, nicotine gel, drinks and sweets) are often marketed as alternatives to cigarettes and in some cases as an aid to quitting smoking. Therefore, they should only be sold as quitting aids and comply with specific safety and quality requirements under the same regulatory framework as pharmaceutical products rather than under the scope of the Tobacco Products Directive.*

## High priority 5

Banning of ingredients and additives, which increase the attractiveness of tobacco products in accordance with guidelines on article 9 and 10 of the WHO- FCTC adopted at the Fourth Conference of the Parties in Uruguay on 20th November 2010

### **Regulation of Flavours and Ingredients**

***Flavourings are an increasingly important part of tobacco industry marketing, particularly to young people. Flavourings enhance attractiveness, encourage youth initiation and discourage cessation. The prohibition of ingredients that may be used to increase attractiveness, such as sugars and sweeteners, flavouring substances, and spices and herbs, in cigarettes and cigarette-like tobacco products should be introduced.***

***The prohibition of ingredients that may create the impression of a health benefit (e.g. vitamins), ingredients associated with energy and vitality (e.g. caffeine), and ingredients with colouring properties (e.g. pink cigarette paper) should also be banned. Tobacco manufacturers and importers should report sales volume information by brand. This information is essential to help governments ensure that product regulation is effective.***

***The above measures should be compliant with the Guidelines on Art. 9/10, adopted unanimously at the Fourth Conference of the Parties in Uruguay on the 20th November 2010.***



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## High priority 6

Banning the display of tobacco products at the Point of Sale.

*The main reason for prohibiting the display of tobacco products at the point of sale is to protect children and young people from the promotion of tobacco. There is a growing body of evidence to show that putting tobacco products out of sight in retail outlets can reduce youth smoking. Research shows that Point of Sale display has*



*a direct impact on young people's smoking. In 2006, almost half (46%) of UK teenagers were aware of tobacco display at Point of Sales and those professing an intention to smoke were more likely to recall brands that they had seen at the point of sale (University of Stirling, 2008).*

*Evidence shows that a coordinated cross border marketing strategy on the part of the tobacco companies is reflected at point of sale (i.e. point of sale marketing is similar in most EU countries (i.e.: a brand is advertised at point of sale in the same way in Germany and Belgium). To date, this measure has been implemented by Ireland (2009), Finland (2012) and England (April 2012) in large stores (and April 2015 in all other stores), as well as Iceland (2001) and Norway (2010).*

*We strongly support an EU-wide adoption of a ban on the display of tobacco products at the point of sale.*

# References

- <sup>1</sup> **Sambrook Research International. A review of the science base to support the development of health warnings for tobacco packages. A report prepared for the European Commission. May 2009: [http://ec.europa.eu/health/tobacco/docs/warnings\\_report\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/warnings_report_en.pdf) p. 42**
- <sup>2</sup> **Sambrook Research International. A review of the science base to support the development of health warnings for tobacco packages. A report prepared for the European Commission. May 2009: [http://ec.europa.eu/health/tobacco/docs/warnings\\_report\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/warnings_report_en.pdf) p. 46**
- <sup>3</sup> **Cretec report prepared for Health Canada (2008). Effects of modified packaging through increasing the size of warnings on cigarette packs. Quantitative study of Canadian adult smokers.**
- <sup>4</sup> **Davison M. Plain packaging of cigarettes: Would it be lawful? Australian Intellectual Property Law Bulletin October 2010; 105-108**
- <sup>5</sup> **Koslowski LT, Goldberg ME, Yost BA, et al. Smokers' misperceptions of light and ultra-light cigarettes may keep them smoking. Am J Prev Med 1998; 15: 9-16.**



[www.smokefreepartnership.eu](http://www.smokefreepartnership.eu)

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