

PLAIN PACKAGING SPECIAL ISSUE – EDITORIAL

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It gives me great pleasure to write a forward on this topic at a time when there is such a groundswell of international support for plain packaging of tobacco products. World No Tobacco Day in 2016 had as its tag line ‘Get ready for plain packaging’ and the world’s health ministers are doing just that.

When Australia became the first country in the world to remove all colours and logos on tobacco packs in 2011 — recognising their allure to young new smokers — the tobacco industry tried every move in their book to stop us. Lobbying, donations, advertising campaigns, threats, dodgy research, front groups, overblown claims and legal action dominated our political debate for two years. When all these local manoeuvres failed, the industry switched its effort to trying to ensure we were the only country to take this step. Writing in November 2016, it is manifestly clear that those efforts, both local and international, have failed. Country after country — France, the UK, Ireland, Canada, Norway, New Zealand — is either implementing plain packaging, passing their laws, or consulting with the community before introduction; and many more countries will move this way in the coming months and years. Plain packaging of tobacco products is now truly an international movement. It is an epidemic of the best sort, as countries catch on to its value, purpose and ease of implementation. We will now see its introduction spread like wildfire around the world.

When we announced the introduction of plain packaging in Australia, it was a world first. The government I was part of has received much praise for our resolve and foresight to see this through, from smooth implementation to the great early results already showing significant impact in the reduction of smoking rates across the country. I am proud of our action, but plain packaging was not my idea originally — the idea initially came from a Canadian academic. In fact, both Canada and Australia flirted with the idea in the 1990s, but were bullied and lied to by a tobacco industry which convinced them that they would be in breach of their international intellectual property obligations if they took such a step. Thankfully, academics, tobacco control advocates and health professionals persisted and raised the idea again with us when we sought advice on preventative health measures the government could implement. We now know, through documents uncovered in other matters, that the industry always had clear advice that there was no breach of such obligations. Nevertheless they went ahead arguing what they knew to be false, and bought themselves a further decade or two free from this intervention. This bad, misleading, untruthful behaviour from the industry is constantly repeating itself. Most famously, of course, the industry misled the public and the US Congress about the known harms of tobacco for decades. With the same tactics today in Canada, the industry is running ads against the Trudeau government’s plans to introduce plain packs on the basis that ‘the Australian experiment has failed’. They assert this in national media and paid advertising, in flagrant disregard of all the credible research showing quite the opposite.

How does the tobacco industry keep getting away with it? Aren’t they embarrassed to lie? Surely they won’t keep litigating when they so often lose? Actually, my belief is they truly don’t care. Each tobacco control measure they can delay — long-term or short-term — works



for their business model selling an addictive product. Time means more people get hooked, they have lifelong customers, and they make more money. The long, loyal tail of consumers with such an addictive product is more profitable than most consumer items can ever boast at their peak. So each country that hesitates to introduce tobacco control measures is actually giving the tobacco industry time to find new customers. Each piece of litigation, even if lost, can buy the tobacco industry marketers a few more years of breathing space. And even the threat of litigation can have a chilling effect on governments — as we see with the WTO dispute brought against Australia by several countries and as yet unresolved five years later! If any country decided to ‘wait until the WTO dispute was complete’, the industry’s expenditure on lawyers will have been worth its weight in gold to their business.

We need to stop expecting the tobacco industry to play by the rules that the rest of us abide by. Unlike the tobacco industry, governments cannot and will not proceed by lying, and they won’t start legal action just to obtain a delay; peer-reviewed researchers cannot and will not produce dodgy research; charitable advocacy groups who raise money from the public for public good are not going to campaign for pointless interventions, or argue with poor evidence.

Plain packaging is a successful intervention with strong, early outcomes. But you wouldn’t know this if you only looked at the industry’s media, lobbying, advertisements, and their paid research. This persistent industry strategy of misleading and misusing information is what makes quality publications like this one so important. It can provide information, data, research and analysis in a non-biased format for all to read and consume. What all tobacco control advocates have learned, and this special edition contributes further to, is that those of us wanting to rid the world of such a harmful and highly addictive product, need to be part of a truly international movement. To successfully implement measures against powerful, multinational tobacco interests we must constantly share expertise, warnings and research. We need to know all the diversionary tactics and be ready for them. And we need to accept that the tobacco industry has not for decades, and likely will not in the future, play by any of the rules the rest of us adhere to — most obviously, telling the truth and acting on evidence.

This special issue allows advocates, governments and policy makers to learn from others, to explore in some detail different national experiences, and deepen their knowledge of relevant topics such as intellectual property, trade laws and the WTO, investor disputes and constitutional challenges. Importantly, it encourages us to step outside our professional areas of expertise to ensure we think about these measures holistically, encompassing health, economics, trade, property, labour rights and so much more. This edition also comes at an important time — at the start of a major trend. Just reflect on the fast expansion of graphic health warnings, which have gone from their introduction by Canada as the first mover in 2001, to now apply in 102 countries in just 15 years.¹ Similarly, our example from Australia is spreading fast as other countries adopt plain and standardised packaging. I believe this intervention is now on an unstoppable trajectory and this edition will provide valuable insight at a crucial time.

I also welcome the coverage in this edition of matters relatively new on the tobacco control horizon, like the tobacco divestment movement. Tobacco free portfolios are new, but already making a huge impact. This movement brings all the past work together into a single argument

¹ For data on this, see the Canadian Cancer Society’s reports of October 2014 <<http://www.cancer.ca/en/about-us/for-media/media-releases/national/2014/international-warnings-report/?region=on>>, and May 2016 <<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2016/Plain%20packaging%20in%20France%20and%20UK/plain-packaging-overview---2016-05-19.pdf?la=en>>.

questioning why anyone would invest in an undeniably dangerous product. It is a product that has no use and no other utility or redeeming features. The industry manipulates and targets young people — exemplified in tactics such as giving away MP3 players with packs of cigarettes in East Timor, or creating pretty purple lipstick packs in Canada. As if this were not enough, in many developing countries tobacco farmers are held in virtual servitude and child labour is a regular feature. What is there to like about such an investment? Funds are increasingly voting with their feet (and their dollars). This will be an interesting space to watch and support as it, too, spreads its influence.

Because I am such a passionate advocate for tobacco control I am often asked if I ‘hate’ the tobacco industry. I’m not a hater — I generally consider hate to be a harsh and useless emotion — but I do find the industry relentlessly manipulative and untruthful, and irredeemably pointless. Just consider:

- They sell a hideously harmful product, that is highly addictive and with no other social utility;
- They have had clear evidence of harm caused by tobacco that they persistently denied and hid for decades;
- Despite being exposed in one country, they continue to pedal lies in other countries;
- They deny targeting young people, yet produce pink and purple lipstick packs;
- They use their money and influence to threaten politicians and governments against action, knowing full well those politicians and governments are entitled to act in the interests of their communities’ public health.

So, although I’m not a hater, what is there to like?

By the time this edition is published, the WTO may well have handed down its decision. It seems unimaginable that trade advocates would allow the tobacco industry to use international trade laws in this way. If the tobacco industry wins, trade laws will be thrown further into disrepute, right at the time that populist politics and anti-freetrade movements are on the rise. If the decision upholds Australia’s right to seek to protect its citizens, the industry may nevertheless feel satisfied that they delayed other countries from acting for five years or more, serving a purpose for their interests whatever the outcome. I hope this edition and other research will allow more people to wise up to these tactics, ignore the threats and misinformation and take principled action at the right time for their communities.

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