



# APPG on Smoking & Health Political Bulletin

## It's Crunch Time for Standardised Packaging and Ending Smoking in Cars with Children

As we get closer to the 2015 General Election, time is running out if Parliament is to get the chance to vote on new Regulations requiring cigarettes and other tobacco products to be sold in standardised ("plain") packs, and to end smoking in cars with children.

The Regulations on standardised packaging have now begun the notification process to the European Union, which is expected to take six months. By early January, the Cabinet's Home Affairs Committee will need to consider the final version of the Regulations and agree that they can be put to Parliament for a vote. The case for the policy was clearly set out in Sir Cyril Chantler's excellent report to the Health Secretary, which rightly concluded that: "...there is enough evidence to say that standardised packaging is very likely to contribute to a modest but important reduction in smoking... Given the dangers of smoking, the suffering that it causes, the highly addictive nature of nicotine, the fact that most smokers become addicted when they are children or young adults and the overall cost to society, the importance of such a reduction should not be underestimated."

This has indeed been the experience in Australia, where, despite tobacco industry efforts to claim the opposite, sales of cigarettes have fallen since the policy was introduced at the end of 2012, to the lowest level ever recorded in the first quarter of 2014, and where the illicit tobacco trade has not increased. Tobacco industry lobbying efforts to block standardised packs, routed through retailer trade bodies and funded front groups, are analysed on page 4 of this Bulletin, and on page 2 retailer John McClure explains why he doesn't trust a word the industry and trade bodies are saying.

Another important tobacco control policy, promoted by a powerful campaign led by the British Lung Foundation, has been to end smoking in cars where children are present. Children are of course particularly vulnerable to secondhand smoke, as they have smaller lungs, faster breathing and a less developed immune system. Secondhand smoke is still causing about 9,500 hospital stays by children each year, and about 40 sudden infant deaths.



The BLF has estimated that about 185,000 children between 11 and 15, are exposed to smoke in cars, every day or most days.

Parliament has already voted overwhelmingly to give the Government the power to introduce both policies through Regulations. Polls also show that both policies enjoy wide public support. The arguments advanced against them by the tobacco industry and its surrogates have been repeatedly exposed as misleading or false. It would be a tragedy for public health if the tobacco industry was to succeed at the very last minute in kicking these much-needed reforms into the long grass.

Elsewhere in this Bulletin we report on the first novel nicotine product ("Voke") to get a medical licence, which means that it can be prescribed by medical professionals. Finally, colleagues are warmly invited to the Annual General Meeting of the All Party Group on Smoking and Health on 22<sup>nd</sup> October 2014.

### Paul Burstow MP Chair of the APPG on Smoking & Health

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# A Retailer Writes: Don't Believe the Tobacco Industry Hype

I have been a retailer for over thirty years. I have a shop in Newcastle which sells tobacco as well as newspapers, groceries and other products you would expect to find in a "corner" shop. My shop is in Fenham ward, a lower income part of the city, which of course means that it has higher than average smoking rates. In my spare time, in so far as I have any, I am a Liberal Democrat Councillor in Gateshead.

For years now I have been frustrated by the way that national trade bodies claiming to represent small shops simply repeat propaganda from the tobacco industry. It's not surprising, because the industry has poured a lot of money into these organisations. But I know that many small shop owners don't share the objectives of the tobacco industry – for very good reasons.

For a start, although tobacco makes up about half my turnover, it only makes up about a tenth of my cash profits. The margins on cigarettes are very low indeed. In fact, I make more profit from selling a 60p pack of chewing gum than I do from selling a £4.50 carton of cigarettes.

In a perfect world, therefore, I would replace all my cigarettes with products with more reasonable margins. Of course, that's not possible overnight, but it is certainly going to happen in the long run, as the number of smokers continues to fall.

Not that you would know that from reading the propaganda produced by the tobacco industry and the small retail groups they help to fund. During the debate over legislation to end retail displays of cigarettes, I remember seeing lobbying claims from trade bodies claiming that the legislation could cost retailers over £10,000. <sup>1</sup> I've just worked out the bill for the curtains I will need to put over my gantry for cigarettes – it comes to only £120. And in most cases, the tobacco industry will pay the cost for affected retailers. They won't pay for mine though, because they don't like what I say about tobacco and regulation. Instead they've given me the gantries – because they have previously promised that all the gantries they own will comply with the law, so now they've transferred that duty to me.

I think it's grossly irresponsible for trade bodies to treat their membership like that – they failed to prevent this perfectly sensible piece of legislation, but they did cause worry and fear among a whole group of small retailers who have more genuine concerns to worry about than the latest scary rumours invented by the tobacco firms.

I've also seen plenty of threats from the industry that tax rises, standardised packs and virtually every other step to discourage smokers will lead to a rise in the illicit tobacco trade. I know this remains a problem that we need to work on, but in my experience the level of illicit trade has fallen over the last fifteen years or so.

My father died from lung cancer, because he was a smoker. Not surprisingly, the retail display ban, standardised packaging and high tax levels all make perfect sense to me. I look forward to the day when no-one smokes any more, and no-one dies young from smoking-related disease. My friends, neighbours and customers in Newcastle will only benefit when that day comes.

It will be a long time before that happens, though. More than enough time for small retailers to diversify and adapt. We've been doing that since long before I started in the business, and we're pretty good at it. Our trade bodies should be planning for an era where smoking rates continue to decline, and supporting retailers in preparing for it. It's tragic that instead they have made tied themselves so closely to the tobacco industry. The result is that they're just not looking after their members properly.

**John McClurey**

<sup>1</sup>[www.scottish.parliament.uk/S3\\_HealthandSportCommittee/Inquiries/TGP82ScottishGrocersFederation.pdf](http://www.scottish.parliament.uk/S3_HealthandSportCommittee/Inquiries/TGP82ScottishGrocersFederation.pdf)

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## Other Retailers Feel the Same Way about Tobacco Industry

John McClurey is not the only retailer to have lost patience with the links between retailer trade bodies and the tobacco industry.

In 2011, Colin Finch, a former president of the National Federation of Retail Newsagents, told the Observer newspaper that: "*the federation is a puppet of the tobacco industry*" and that the industry routinely used "*retailers to legitimise their campaign*".

He added: "*The whole situation with the federation and the tobacco industry is out of kilter*" and "*The federation's code of ethics has been poisoned by the tobacco industry.*" He also said that the NFRN worked too closely with the Tobacco Manufacturers Association.

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# Electronic Cigarettes – where next?

Before the summer recess the All Party Parliamentary Groups on Smoking and Health; Pharmacy; and Heart Disease held a meeting in parliament to discuss electronic cigarettes. We heard from a number of national health experts, including Professor David Walker, the Deputy Chief Medical Officer, and Professor Robert West, the Director of Tobacco Studies at University College London, as well as by users of these products.

It is of course a principal public health priority to reduce the continuing burden of death and disease by the consumption of tobacco, which still causes around 100,000 premature deaths in the UK every year. While quitting completely remains the best option for all smokers, many, particularly amongst the most disadvantaged in society, find it hard to do so because of their addiction to nicotine.

The UK medicines regulator, the MHRA, and NICE both support a harm reduction approach for smokers unable to quit which includes temporary or long-term use of medicinally licensed nicotine containing products as an alternative to smoking. Such a policy has been endorsed by the current Coalition Government and its Labour predecessor in their tobacco control strategies.

However, use of electronic cigarettes has tripled in the last two years and it is estimated that there are now over 2 million regular users in Great Britain. This rapid growth has led to a polarisation in views amongst politicians and public health professionals. On the one hand there are those concerned that growing use of these products will renormalise smoking and, on the other, those who believe these products have the potential to end the tobacco epidemic. That is why we decided to hold a meeting to give parliamentarians an opportunity to hear the evidence.

The meeting was very positive but it was clear from the discussion that there are diverse views which might make it difficult to get a unified position on behalf of our All Party Groups. As a result we decided to put together a joint position in our names which is available on the APPG on Smoking and Health website.

We would like to see the UK Government regulate these products so as to maximise the potential benefits, by ensuring that electronic cigarettes are effective in helping those who wish to cut down or cease smoking tobacco products, while at the same time minimising the chance that they may be used by young people and others who have never smoked.

Currently, electronic cigarettes come under general consumer safety regulations but from 2016 they will be regulated in conformity with the EU Tobacco Products Directive. This will require them either to be licensed as medicines or to be regulated in an analogous manner to tobacco products.

The electronic cigarette market is rapidly evolving. Since our meeting the “Kind Consumer” company has announced that it has secured a medicines licence for a nicotine inhaler. This is an important step which could pave the way for electronic cigarettes to be given licences as medically-approved stop smoking aids. It is our view that this is an important step towards an effective regulatory framework where smokers will have a choice between alternative nicotine devices regulated as medicines and those regulated as consumer products.

The product is called Voke and while it is not a conventional electronic cigarette, it is the first novel nicotine product to be given a licence by a medicines regulator as an approved aid to help people stop smoking. It will be manufactured and distributed by a wholly owned subsidiary of British American Tobacco called Nicoventures.

Although it will be some time before this product is on sale, concerns that it will be marketed by a tobacco company have already been raised. However, we believe that medicines regulation should minimise the risk that tobacco companies market their products inappropriately, since the medicines licence requires that promotion is limited to smokers; that product safety is regulated and monitored; and that sales are limited to those aged 18 or over.

For products not regulated as medicines the ASA is due to publish new rules on advertising of electronic cigarettes shortly and new rules come into effect in 2016 which will prohibit all cross border advertising, such as TV, radio, internet and print. Laws prohibiting the sale of electronic cigarettes to under 18s are expected to be put in place next year.

This month WHO is discussing electronic cigarettes; this is an issue of global importance in which the UK is playing a leading role.

**Paul Burstow MP, Chair, APPG on Smoking & Health**  
**Kevin Barron MP, Chair, APPG on Pharmacy**

# Tobacco Industry and Allies Still Producing Toxic “Plain Packs” Propaganda

The UK packaging industry is doing the bidding of the tobacco industry in trying to block the introduction of standardised packaging. The Consumer Packaging Manufacturers Association has written a highly misleading letter to MPs, claiming that the policy will have a severe effect on the packaging industry.

But a look at the figures in their letter shows their claims to be either misleading or untrue. The letter states that the “*full supply chain employs somewhere in the region of 60,000 people*”. This may be an accurate number for total employment in the whole packaging industry plus its supply chain, but it bears no relation to the number of jobs actually involved in producing tobacco packaging. In 2012, the British Printing Industries Federation provided an estimate of about 325 people.

The Association letter also contains misleading estimates of the total value of tobacco packaging to the UK economy. In 2012 the BPIF estimated that this amounted to about 5% of total market in folding cartons. Applying this to the 2013 Office of National Statistics provisional estimates of the UK paper industry suggests that UK production of tobacco packaging has a total value of about £50 million.

The letter also makes unfounded claims about standardised packaging leading to an increase

in illicit trade. By a strange coincidence, exactly the same claims are made in lobbying leaflets produced by the Tobacco Retailers Association and the Tobacco Manufacturers Association, and in letters to MPs from retailers, encouraged by the Association of Convenience Stores.

All the key security features present on existing tobacco packs will also be present on standardised ones, including covert security marks used by enforcement officers to identify counterfeit product. And in 2016, in line with the revised European Union Tobacco Products Directive, every pack of cigarettes will carry a “unique identifier”: an alphanumeric code which will allow the packs to be tracked right back through their supply chain.

This should be very useful in cases where genuine cigarettes have been exported to low tax markets and then smuggled back into the UK, a continuing problem that the industry is largely silent about, perhaps because of the extensive evidence of its own involvement.

The tobacco industry’s determination to block standardised packaging results from one thing only: the knowledge that it will lead to a reduction in smoking rates, and therefore in the sales of its lethal products.

## Annual General Meeting of the APPG on Smoking and Health

Wednesday 22<sup>nd</sup> October, 2.30pm – 3.30pm  
Meeting Room Q, First Floor, Portcullis House

The AGM will be addressed by Deborah Arnott, Chief Executive of Action on Smoking and Health, who will provide an update on parliamentary progress on standardised packaging, smoking in cars with children, proxy purchasing and electronic cigarettes.

All parliamentarians and parliamentary staff are very welcome to attend.

Please RSVP to [appg@ash.org.uk](mailto:appg@ash.org.uk).

### Officers of the group:

**Chair:** Paul Burstow MP  
**Treasurer:** Ian Mearns MP  
**Secretary:** Bob Blackman MP

**Vice Chairs:** Kevin Barron MP  
Lord Patel  
Lord Rennard MBE  
Baroness Finlay  
Baroness O’Cathain OBE  
John Robertson MP

The All Party Parliamentary Group (APPG) on Smoking and Health is a cross-party group of Peers and MPs which was founded in 1976  
“**To monitor and discuss the health and social effects of smoking; to review potential changes in existing legislation to reduce levels of smoking; to assess the latest medical techniques to assist in smoking cessation; and to act as a resource for the group’s members on all issues relating to smoking and public health.**”

ASH provides the secretariat for the APPG and funded the printing of this publication.  
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