

Standardised Packaging of Cigarettes and Tobacco Products

Smokefree Action Coalition briefing

Regulations under Section 94 of the Children and Families Act 2014

The Smokefree Action Coalition (SFAC) is an alliance of over 250 organisations committed to promoting public health. This briefing note for MPs and peers sets out the case for the proposed Regulations under Section 94 of the Children and Families Act, requiring cigarettes and other tobacco products to be sold in standardised (sometimes called “plain”) packaging. The Regulations are subject to the affirmative resolution procedure: there will be a 90 minutes debate in both Houses followed by a vote if required.

The first two pages of this briefing summarise the key arguments, set out in full in the more detailed briefing that follows.

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Why Do We Need Standardised Packaging?

1. Standardised packaging would remove the attractive promotional aspects of existing tobacco packaging, and require that the appearance of all tobacco packs would be uniform, including the



colour of the pack. Standardised packaging would also allow the promotion of strong anti-smoking and health messages. The packaging would *not* be “plain” or all white, as in some illustrations in media stories.

- Paediatrician Sir Cyril Chantler was asked by the Government to review the public health evidence on standardised packaging. His report was published on 31st March 2014. It concluded that: *There is very strong evidence that exposure to tobacco advertising and promotion increases the likelihood of children taking up smoking. Industry documents show that tobacco packaging has for decades been designed, in the light of market research, with regard to what appeals to target groups... I am satisfied that the body of evidence shows that standardised packaging, in conjunction with the current tobacco control regime, is very likely to lead to a modest but important reduction over time on the uptake and prevalence of smoking and thus have a positive impact on public health.*¹ **We support the Chantler review’s conclusions and believe that they meet the standard of proof required for standardised packaging to be introduced as soon as practicable.**

Why is it about Protecting Children?

- Smoking is an addiction that begins in childhood; two thirds of smokers report that they started before they were 18 years old.² The tobacco industry needs these new smokers as its existing customers quit, become ill or die prematurely. Half of all lifetime smokers will die from smoking related disease, more than 100,000 people across the UK every year.³ Smoking rates are particularly high among vulnerable groups, including children in care.^{4,5} Tobacco packaging is designed to be attractive to young people in particular. Instead, packaging should carry strong and unambiguous health messages that are not subverted by the remainder of the pack design.

Is There Evidence that Standardised Packaging Works?

- A systematic review of peer reviewed studies carried out for the Department of Health found that plain standardised packaging is less attractive, especially to young people, improves the effectiveness of health warnings, and reduces mistaken beliefs that some brands are ‘safer’ than others.⁶ The detailed briefing below gives evidence of the positive impact of the policy in Australia, where it was introduced on 1st December 2012. As part of a comprehensive tobacco control strategy standardised packaging helped reduce smoking rates in Australia to a new record low level.

Is There Public Support for Standardised Packaging?

- Opinion polls have repeatedly shown strong public support for standardised packaging. In January 2015, a YouGov poll for Cancer Research UK found that 72% of those polled supported the policy, with only 15% against. A majority of those intending to vote Conservative (75%), Labour (75%), Liberal Democrat (80%) and UKIP (64%) supported the policy.⁷



Would Standardised Packs Increase Illicit Trade?

6. The tobacco industry and its front groups claim that illicit trade in tobacco products would be made worse by the introduction of standardised packs. In fact, all the key security features on existing packs would also be on standardised ones, including a covert anti counterfeit mark, which can be read by scanners, and number codes on each pack. HM Revenue and Customs have concluded that standardised packaging is not likely to have a significant effect on the level of illicit trade.⁸

Detailed Briefing

Fundamental Case

7. The fundamental case for standardised packaging is very simple. Smoking tobacco is a lethal addiction. Cigarettes are the only legal products sold in the UK that kill their consumers when used exactly as the manufacturer intends. No company should be allowed to promote such a product through advertising and marketing. Because smoking is an addiction that for most smokers begins in childhood, children, and the most vulnerable groups of children in particular, need protection from the tobacco industry's search for new addicts. Tobacco packaging should be made as unattractive as possible.
8. In April 2012, the UK Government launched a consultation on whether to introduce standardised packaging, following a commitment in its Tobacco Control Plan for England.⁹ On 28th November 2013, the Government announced that it would table an amendment to the Children and Families Bill giving the Secretary of State the power to introduce standardised packaging by Regulations, and that it had appointed Sir Cyril Chantler to review the public health evidence on the issue. He reported on 31st March 2014, concluding that: *"I am satisfied that the body of evidence shows that standardised packaging, in conjunction with the current tobacco control regime, is very likely to lead to a modest but important reduction over time on the uptake and prevalence of smoking and thus have a positive impact on public health."*¹⁰ On 21st January 2015, Public Health Minister Jane Ellison MP announced that: *"We will bring the regulations before Parliament in this Parliament. Should Parliament support the measure, we will be bringing the prospect of this country's first smoke-free generation one decisive step closer."*¹¹
9. The remainder of this note is set out as follows:
 - Smoking and young people paragraphs 10-14
 - Existing tobacco packaging: advertising and marketing paragraphs 15-19
 - Effects on smokers and potential smokers paragraphs 20-22
 - Evidence from Australia paragraphs 23-32
 - Devolved administrations paragraph 33
 - Standardised packaging and illicit trade paragraphs 34-39
 - Standardised packaging: the tobacco industry campaign paragraphs 40-47
 - Public support paragraphs 48-49
 - Cross Party issue paragraphs 50-51

Smoking and Young People

10. Most smokers began their habit as children. Among existing adult smokers, two thirds report that they began to smoke before the age of 18, and almost two fifths before the age of 16.² Starting to smoke is associated with a range of risk factors, including smoking by parents and siblings, smoking by friends, the ease of obtaining cigarettes,

exposure to tobacco marketing, and depictions of smoking in films, TV and other media.¹²

11. The younger the age at which smokers start, the greater the harm is likely to be, because early uptake of the habit is associated with subsequent heavier smoking, higher levels of dependency, a lower chance of quitting and a higher chance of death from smoking-related disease.^{13 14} Half of all lifetime smokers will die from illness caused by their addiction.¹⁵
12. Exposure of young people to smoking is higher in poorer social groups and communities – since they have higher smoking prevalence rates. In 2013, 29% of adults in routine and manual occupations smoked compared to 14% in managerial and professional occupations. Since the late 1990s, the proportion of the population who smoke cigarettes has been consistently higher in the 16-24 and 25-34 age groups than in older age groups.¹⁶
13. Smoking rates are also higher among particularly vulnerable groups, including children in care. For example, a study for the Office of National Statistics of 1,000 “*looked after*” children (i.e. looked after by the state), which included lifestyle questionnaires, found that almost a third reported that they were current smokers. This rose to 69% for those in residential care, reflecting the greater proportion of older children in these placements.^{4 5}
14. Other specific groups of vulnerable young people with high smoking prevalence rates include teenage mothers. The Infant Feeding Survey for 2010¹⁷ showed that 57% of teenage mothers smoked during pregnancy, and 36% throughout their pregnancy. This is about six times the smoking rate for pregnant women generally. Smoking rates in pregnancy vary greatly between social classes. In 2010 pregnant women in routine and manual groups were five times more likely to smoke than those in managerial and professional occupations. Across the whole population, maternal smoking causes up to 5,000 miscarriages, 2,200 premature births and 300 perinatal deaths each year. Infants born to smokers are also much more likely to become smokers themselves.¹³

Existing Tobacco Packaging: Marketing and Advertising

15. Tobacco packaging is carefully used by the tobacco industry as a residual form of advertising. Most forms of tobacco advertising were banned under the Tobacco Advertising and Promotion Act 2002. Sponsorship of sport by tobacco companies was prohibited from July 2005. Retail displays of tobacco products were ended in large stores from April 2012 and in all other stores from April 2015, under the Health Act 2009.¹⁸
16. However, smokers display tobacco branding every time they take out their pack to smoke. In doing so the industry analysis is that they are making a statement about how they want to be seen by others as they display and endorse the brand they have chosen. The response from Philip Morris International to the Government’s consultation on the future of tobacco control stated that: “*as an integral part of the product, packaging is an important means of differentiating brands and in that sense is a means of communicating to consumers about what brands are on sale and in particular the goodwill associated with our trademarks, indicating brand value and quality. Placing trademarks on packaged goods is, thus, at the heart of commercial expression.*”¹⁹



Examples of UK cigarette packaging

17. Tobacco industry trade press also contains numerous examples of appeals to tobacco manufacturers to use packaging as an advertising vehicle. For example, the magazine *World Tobacco* advised that “*if your brand can no longer shout from billboards, let alone from the cinema screen or the pages of a glossy magazine, it can at least court smokers ... from wherever it is placed by those already wedded to it.*”²⁰



18. The picture above shows how the tobacco industry bends the existing rules about packaging to appeal to new consumers in their target markets and to try to discourage existing users from quitting. On the outside, the pack of Benson and Hedges “Silver Slide” looks not unusual. But unlike most packs, to open it you have to press the side opening where it says “*Push and Slide*”. That exposes a tray containing the cigarettes. Printed on the tray are the words: “*I owe my success to having listened respectfully to the very **B**est advice & then going away and doing **tHe** exact opposite*”. G.K. Chesterton.

19. In 2006, in the US court case *District of Columbia v Philip Morris International*, Judge Kessler wrote that: “*over the course of more than 50 years, Defendants lied, misrepresented and deceived the American public, including smokers and the young people they avidly sought as ‘replacement’ smokers about the devastating health effects of smoking and environmental tobacco smoke.*” The judgement also states that “*defendants’ marketing is a substantial contributing factor to youth smoking initiation*”.²¹

Standardised Packaging: Effects on Existing and Potential New Smokers

20. The likely effects of standardised packaging in terms of consumer attitudes include:

- Reducing the appeal of packaging, particularly to young people
- Increasing the salience of health warnings: putting health health warnings next to attractive branding reduces their effectiveness
- Improving consumers' perception of harm: attractiveness, colours and descriptors may lead to false beliefs about the relative harm of different cigarette brands.

21. A systematic review of published studies on tobacco packaging, commissioned by the Department of Health from the Public Health Research Consortium (PHRC),⁶ found evidence for all three of these effects. The PHRC reported that: *“there is strong evidence to support the propositions set out in the Framework Convention on Tobacco Control relating to the role of standardised packaging in helping to reduce smoking rates; that is, that standardised packaging would reduce the attractiveness and appeal of tobacco products, it would increase the noticeability and effectiveness of health warnings and messages, and it would reduce the use of design techniques that may mislead consumers about the harmfulness of tobacco products”*. The authors of the systematic review published an update in September 2013, looking at 17 further studies published since the systematic review. These studies reinforced the original findings of the systematic review.²² The March 2015 edition of the journal *Addiction* contains a series of papers on plain packaging published between 2008 and 2015, which support the following conclusions:

- Plain packaging may reduce smoking rates in current smokers by reducing the extent to which the package acts as an unconscious trigger for smoking urges.
- Following Australia's 2012 policy of plain packaging and larger pictorial health warnings on cigarette and tobacco packs, smoking in outdoor areas of cafés, restaurants, and bars declined, and fewer people made their packs clearly visible on tables.
- Consumer research by the tobacco industry between 1973 and 2002 found that variations in packaging shape, size and opening method could influence brand appeal and risk perceptions and thereby increase cigarette sales.
- Removing brand imagery from cigarette packets seems to increase visual attention to health warnings in occasional and experimental adolescent smokers, but not among daily adolescent smokers.
- Standardised packaging could be more effective than larger health warnings in undermining the appeal of cigarette brands and reducing intention to buy cigarettes.

²³

22. In his review for the Government on the public health evidence for standardised packaging, Sir Cyril Chantler reported that: *“the aim of standardised packaging is to reduce the tobacco package's visual identity and appeal as an advertisement for the product. There is very strong evidence that exposure to tobacco advertising and promotion increases the likelihood of children taking up smoking. Industry documents show that tobacco packaging has for decades been designed, in the light of market research, with regard to what appeals to target groups. Branded cigarettes are ‘badge’ products, frequently on display, which therefore act as a “silent salesman.” Tobacco packages appear to be especially important as a means of communicating brand*

imagery in countries like Australia and the UK which have comprehensive bans on advertising and promotion...

*The tobacco industry argues that all of its marketing activity, including packaging, aims solely to persuade existing adult smokers to switch brand and never targets children or new smokers. However, in my opinion, whatever their intent, it is not plausible that the effect of branded packaging is only to encourage brand switching amongst adult smokers, and never to encourage non-smokers from taking up smoking. I have heard no coherent argument as to how this purported separation occurs in practice and in my opinion a 'spill over effect' is highly plausible whereby packages that are designed to appeal to a young adult, also, albeit inadvertently, appeal to children. It seems to me that children and non-smokers are not, and cannot be, quarantined from seeing tobacco packaging and in my view once they are exposed to this packaging, they are susceptible to its appeal whether it is intended to target them or not. In the light of these and other considerations set out in my report I believe that branded packaging contributes to increased tobacco consumption."*²⁴

Evidence from Australia

23. Australia has become the first country in the world to require all tobacco products to be sold in standard packaging. The law came into effect on 1st December 2012. The introduction of standardised packaging has been strongly backed by the World Health Organization, which has stated that *"WHO actively supported Australia's pioneering tobacco control measure and is standing firmly behind all countries that face intimidation from big tobacco"*.²⁵
24. The tobacco industry has waged an expensive but unsuccessful legal campaign against the Australian legislation. In August 2012, Australia's High Court dismissed constitutional challenges brought by tobacco companies, awarding costs in favour of the Australian Government. The industry is encouraging further challenges from Governments through the World Trade Organization²⁶ and under the Australia - Hong Kong Bilateral Investment Treaty, but these are also considered likely to fail.²⁷ The tobacco industry claims that standardised packaging would breach its intellectual property rights, leading to expensive compensation claims. In fact the use of tobacco trademarks is already limited by law. Governments introducing rules on standardised packaging will not be acquiring trademarks or other property from the companies so compensation will not be due. International trade agreements do not create a right to use trademarks, and they specifically allow Governments to implement measures to protect public health.²⁸
25. In opposing the introduction of standardised packaging in Australia, the tobacco industry made a series of claims about what it considered to be likely unintended consequences. Specifically, the industry claims that it would lead to:
 - an increase in serving times for customers in small retail outlets, and a consequential shift in trade to supermarkets
 - an increase in use of illicit tobacco
 - a collapse in prices of tobacco products, and
 - a consequent increase in consumption.
26. None of these claims is supported by independent evidence, although studies funded by the tobacco industry have purported to support them.
27. Tobacco industry predictions about the possible **effect of standardised packaging on the retail trade** were based on interviews with just a handful of retailers.²⁹ Claims about the effects in the retail sector after the legislation was in place were based not on

analysis of objective data but rather on surveys sponsored by Philip Morris Ltd seeking retailers' opinions. Peer reviewed studies by contrast which objectively measured retrieval time suggest that there was no significant long-term increase in serving time.³⁰ Analysis of data from the annual Victorian Smoking and Health Program survey between 2011 and 2013 found no evidence of either an increase in the percentage of smokers reporting purchasing from supermarkets, or a decline in the percentage reporting usually purchasing from small mixed businesses.

28. The tobacco industry has repeatedly claimed that use of **illicit tobacco** products has increased in Australia since the introduction of plain packaging. However, data from Australian Customs does not support this finding. Sea cargo detections make up 95–99 per cent of the volume and value of illicit tobacco detected by the Australian Customs and Border Protection Service. The total weight of illicit tobacco detected by Australian Customs has remained roughly the same since 2007/8, while the proportion of tobacco seizures made up of manufactured cigarettes started to rise in 2009/10, well before the introduction of standardised packaging.

Australian Customs and Border Protection Service detections of illicit tobacco³¹

Year	No. of detections	Tobacco (tonnes)	Cigarettes (millions of sticks)	Duty evaded (\$ million)	Equivalent tobacco weight (tonnes)
2007–08	58	287	107	114	373
2008-09	33	180	50	70	220
2009-10	42	311	68	120	365
2010-11	55	258	82	135	324
2011-12	45	177	141	125	289
2012-13	76	183	200	151	343
2013-14 (6 months to 31 Dec 13)	51	112	96	85	189

29. Philip Morris Limited argued in a submission on the Australian standardised packaging laws that the policy would *'inevitably drive overall market prices down'* citing an estimate by LECG Consulting that **prices would reduce** between 4.7 and 19.2%.³²

30. Results from the Australian Bureau of Statistics' Consumer Price Index indicates that the price of tobacco products has in fact risen steadily in Australia, with the index figure increasing from 52.2 in September 2001 to 113.1 in September 2013.³³

31. In statements to the Chantler Review and the media, tobacco companies have stated that sales had increased by 0.3% in Australia since the introduction of plain packaging.³⁴ This is flatly contradicted by the industry's own reports to investors, and by independent market research data. For example, in reporting six monthly results for the first half of 2013, Imperial Tobacco's Chief Executive Officer Alison Cooper has stated that: *"As I'm looking at Asia Pacific, I should also mention Australia, we've had the first six months of the plain pack environment in Australia. We've seen the market decline roughly 2% to 3%, so maybe not as bad as we might have anticipated."*³⁵ Industry information analysed by independent market research company Euromonitor International also show a decline in sales in Australia between 2012 and 2013.³⁶

Sales volumes: factory-made cigarettes, smoking tobacco (RYO + pipe) and cigars 2013 compared to 2012

	2012	2013	Change 2012 to 2013	Change 2012 to 2013 per capita
Population 15 and over June 30	17,563,896	17,902,257	1.8%	
Volume of sales				
Cigarettes (number)	18,597.0	17,933.1	-3.6%	
Cigars (number)	66.0	64.3	-2.6%	
Smoking tobacco (tonnes)	1,845.6	1,858.1	0.7%	
Total cigarette equivalents*	20970.000	20320.025	-3.1%	-4.8%

32. On 18th June 2014, the Australian Government released advice from the Commonwealth Treasury indicating that excise and customs clearances on tobacco products declined by 3.4% in the 2013 calendar year, relative to 2012. ³⁷ Adult smoking prevalence in Australia has continued to decline, from 15.1% in 2010 to 12.8% in 2013 according to data from the National Drugs Strategy Household Survey. ³⁸

Devolved Administrations

33. The devolved administrations in Scotland, Wales and Northern Ireland have all backed standardised packaging. The Scottish Parliament, Welsh Assembly and Northern Ireland Assembly have passed legislative consent orders, which will allow the Regulations on standardised packaging to cover the whole UK.

Standardised Packaging and Illicit Trade

34. The most commonly employed tobacco industry argument against standardised packaging is that it would lead to an increase in illicit trade.

35. The UK has in the past suffered from high levels of illicit trade. This was exacerbated by the actions of the major tobacco multinationals, which knowingly produced and exported cigarettes in volumes much greater than the known demand in their stated target markets. Much of this excess production was then smuggled back into the UK. By 2000, HM Revenue and Customs estimated that 21% of cigarettes and 60% of hand rolled tobacco consumed were illicit, and this cost the Treasury about £3 billion a year in lost taxes. In March 2003, during a Public Accounts Committee hearing on illicit trade, George Osborne MP, then a member of the PAC said to senior executives of Imperial Tobacco: *“One comes to the conclusion that you are either crooks or you are stupid, and you do not look very stupid. How can you possibly have sold cigarettes to Latvia, Kaliningrad, Afghanistan and Moldova in the expectation that those were just going to be used by the indigenous population or exported legitimately to neighbouring countries, and not in the expectation they would be smuggled?”* ³⁹

36. HM Revenue and Customs and the UK Border Agency have agreed and implemented a detailed strategy to tackle tobacco tax evasion, and the UK Government provided

substantial additional resources for this purpose during the last spending review. Internationally, the European Union has concluded legally enforceable agreements with the big four tobacco manufacturers to tackle illicit trade and included measures against illicit trade in the revised EU Tobacco Products Directive. The Illicit Trade Protocol, which includes detailed provisions for a global tracking and tracing system (using coded numbering) for tobacco products. The result has been that the level of the illicit tobacco trade has roughly halved since 2000. HMRC's "Tax Gap" figures for 2013/14 show as a mid-range estimate that 10% of cigarettes consumed in the UK were illicit (a small increase of a mid-range estimate of 9% in 2012/13). The figure for hand rolled tobacco was 39% in 2013/14. ⁴⁰

37. The production costs of illicit cigarettes (including packaging) are very low. ⁴¹ In Paraguay costs can be as low as 5 US cents a pack, a Jin Ling pack in Kaliningrad or a Chinese counterfeit pack may cost about 20 US cents a pack to produce. Counterfeiters are also able to produce quality and apparently genuine packaging at low prices in a short time. In 2004, HM Customs and Excise reported that the outside pack was the least likely indicator of the carton being counterfeit. ⁴²

38. Much more important are **the security systems used on packs, which would continue to be used on standardised packaging**. These include:

- a covert mark on each licit pack, which can be read by enforcement authorities using a simple scanner to determine whether or not a pack is counterfeit
- other security marks that vary between manufacturers, for example the configuration of marks on filter paper
- number codes printed on each pack, which will be developed and standardised through the introduction of the tracking and tracing system mandated under Article 8 of the Illicit Trade Protocol ⁴³ and included in the draft EU Tobacco Products Directive. ⁴⁴

The legislation would allow Ministers to specify any features in pack design which they consider desirable as a protection against illicit trade.

39. Speaking in the Commons Adjournment Debate on standardised packaging on 21st January 2015, Public Health Minister Jane Ellison MP stated that: *"In his review, Sir Cyril addresses those concerns and concludes 'I am not convinced by the tobacco industry's argument that standardised packaging would increase the illicit market, especially in counterfeit cigarettes.' Her Majesty's Revenue and Customs has also undertaken a detailed assessment of the potential impact of standardised packaging on the illicit market. It concluded: 'We have seen no evidence to suggest the introduction of standardised packaging will have a significant impact on the overall size of the illicit market or prompt a step-change in the activity of organised crime groups.' The assessment is expected to be published in full soon."* ⁴⁵ The assessment was published on 12th February 2015. ⁴⁶

Standardised Packaging: The Tobacco Industry Campaign

40. The tobacco industry has launched a well-resourced and highly misleading campaign in the UK and around the world to try to obstruct the introduction of standardised packaging. As far back as 1993, a "plain packs group" was formed representing the top manufacturers. The arguments against standardised packaging discussed below have been deployed by the tobacco industry in every jurisdiction where the policy is being considered. ⁴⁷

41. In the UK alone, Japan Tobacco International, one of the big four tobacco multinationals (JTI, Philip Morris International, Imperial and British American Tobacco), has announced that it is spending £2 million in its campaign against standardised packs.⁴⁸ The company ran a series of newspaper advertisements against the policy, all of which were ruled misleading, in whole or in part, by the Advertising Standards Authority. Unjustified claims made in the adverts include: that the introduction of standardised packs would increase illicit trade, that the previous Government had “*rejected*” standardised packs, and that there was no evidence that standardised packs would work in reducing tobacco consumption.
42. Imperial and JTI, who together have more than 80% of the UK cigarette market, engaged “*Corporate Political Advertising*” to influence “*government and decision makers*” on the issue. Tactics included funding a YouTube ad, promoted by leaflet distribution in petrol stations and elsewhere, called “*Britain 2020 Vision*”, misleadingly suggesting that all “*unhealthy*” products could in future be sold in “*plain*” packaging.⁴⁹
43. Internal documents from Philip Morris International, reported in the Observer, showed that the company’s key lobbying message was “*wait and see what happens in Australia (2-3 years)*”.⁵⁰
44. A campaign group called “*Hands off Our Packs*” was set up by the tobacco industry funded front-group FOREST and organised a petition against standardised packs in response to the government consultation.⁵¹ Listed as a leading supporter is Mark Littlewood, Director General of the Institute of Economic Affairs (IEA).⁵² Although they routinely refuse to reveal their sources of funds, it has been confirmed that the IEA and another think tank, the Adam Smith Institute, have received financial contributions from the tobacco industry.^{53 54} Both of these organisations also actively campaign against the introduction of standardised packaging of tobacco products.
45. The tobacco industry has frequently quoted retired senior police officers as raising concerns that standardised packaging could lead to an increase in illicit trade. Peter Sheridan, a former assistant chief constable in Northern Ireland, and Roy Ramm, a former Scotland Yard commander, have written to MPs and Peers supporting this argument. Both men are listed as supporters of a group called the Common Sense Alliance,⁵⁵ which receives funding from business interests including BAT. The letter to parliamentarians was sent via Goddard Global, a multinational lobbying firm that provides the secretariat for the alliance. A BAT spokesman has confirmed that it employs the lobbying firm. Former Scotland Yard detective chief inspector Will O’Reilly has been working on illicit trade for Philip Morris International, and has been widely quoted on the subject in the media, as has the former Chief Constable of the Royal Ulster Constabulary (now the Police Service of Northern Ireland) Sir Ronnie Flanagan, who now advises BAT.⁵⁶
46. The tobacco industry and its allies have claimed that the UK packaging industry will be hit by the introduction of standardised packs. In fact, cigarette packaging accounts for less than 5% of all packaging cartons manufactured in the UK, with a total value of less than £50 million. The number of people employed in the UK in manufacturing tobacco packaging is 325. Tobacco packaging will of course still be needed under standardised packaging rules.⁵⁷
47. The tobacco industry has threatened legal action against Governments that introduce standardised packaging, in the case of the UK under European law and world trade rules. Expert legal opinion is that such challenges are likely to fail: for example Action on Smoking and Health and Cancer Research UK are publishing a legal opinion showing that the Regulations are compatible with the UK’s obligations under the Tobacco Products Directive.

Public Support

48. Opinion polls have repeatedly shown strong public support for standardised packaging. In January 2015, a YouGov poll found that 72% of those polled supported the policy, with only 15% against. A majority of those intending to vote Conservative (75%), Labour (75%), Liberal Democrat (80%) and UKIP (64%) supported the policy.⁵⁸ Public support for the policy has risen since a previous poll on the issue by YouGov, conducted for ASH in February 2013, which found that overall 64% of adults in Great Britain were in favour of standardised packaging.⁵⁹
49. In Australia, support for standardised packaging increased after its implementation. The policy is now backed by a majority of smokers. A study examining changes in support among smokers in Australia found that there was no difference in support for standardised packs by educational background, income, or gender.⁶⁰

A Cross Party Issue

50. Standardised packaging is not a Party political issue; it is strongly supported by politicians of all parties and by crossbenchers in the House of Lords.
51. On 22nd January 2015, Shadow health Secretary Andy Burnham MP tweeted as follows: *"I often take to Twitter to challenge @jeremy hunt. But today I congratulate him for having courage to set clear timetable for standard packs"*. Health Secretary Jeremy Hunt MP replied: *"Thanks @andyburnham. Nice to enjoy a rare moment of consensus! Let's hope both our children can grow up in a smokefree generation."*⁶¹ Also on 22nd January, Deputy Prime Minister Nick Clegg said on LBC radio about standardised packaging that: *"... we should be taking sensible steps to discourage people - particularly kids - from taking up smoking."* He added: *"There is evidence, and I think it's been borne out by the latest facts in Australia, that it does help minimise the marketing appeal."*⁶²

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