

Warning labels and plain packaging in the tobacco context

Tobacco Control Team PAHO/WHO and
WHO (B McGrady)



PAHO

Evidence I

- Despite robust evidence of the dangers of tobacco, relatively **few users fully understand** the full extent of the health risk.
- Many smokers believe that they can reduce or stop tobacco use before health problems occur.
- The addictiveness of tobacco is **underestimated**.



SMOKING CAUSES MOUTH AND THROAT CANCER
Health Authority Warning

Quitline 131 848

MOUTH CANCER

Smoking is the major cause of cancers affecting the mouth and throat. These cancers can result in extensive surgery, problems in eating and swallowing, speech problems and permanent disfigurement.

You CAN quit smoking. Call **Quitline 131 848**, talk to your doctor or pharmacist, or visit www.quitnow.info.au

<https://www.who.int/tobacco/mpower/warn/en/index1.html/>

Evidence II

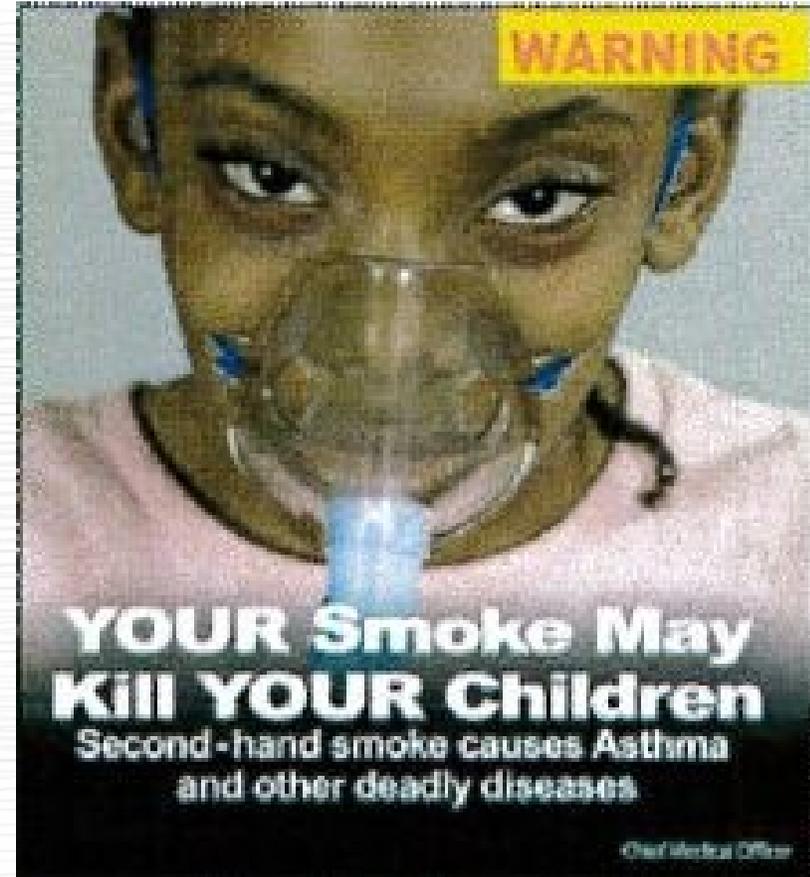
- Tobacco industry use packaging **to make tobacco appealing**, distracting users from the health risks.
- Tobacco product packaging is a **central marketing tool** for advertising this lethal products.



<https://www.who.int/tobacco/mpower/warn/en/index1.html/>

Evidence III

- Health warnings with **pictograms** (HW) have a greater impact than only texts.
- Pictorial warnings **increase knowledge** about the dangers of tobacco for health.
- HW impact on **initiation** and motivate tobacco users to **quit**.
- HW change the image of tobacco (**de-normalize**).



SMOKERS APPROVE OF PICTORIAL WARNINGS

Impact of pictorial warnings on Brazilian smokers

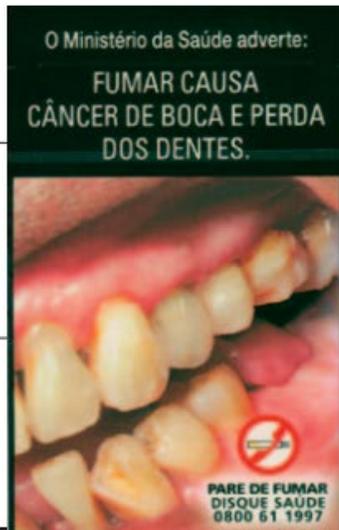
80%

60%

40%

20%

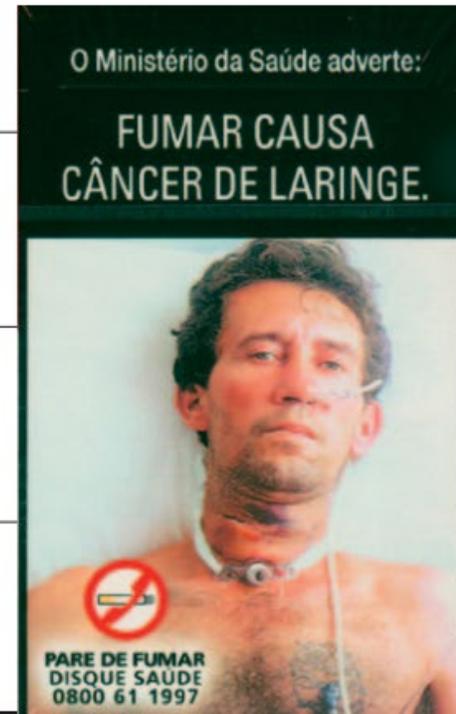
0%



56% changed their opinion about health consequences of smoking



67% want to quit as a result



76% approve of health warnings

Source: Datafolha Instituto de Pesquisas. Opinião pública, 2002.

https://www.who.int/tobacco/mpower/publications/en_tfi_mpower_brochure_w.pdf

Size matters

WHO FRAMEWORK
CONVENTION ON
TOBACCO CONTROL



PAHO/WHO

Interventions



Article 11 - Packaging and labelling of tobacco products

1. Each Party shall... ensure:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are **false, misleading, deceptive** or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that **a particular tobacco product is less harmful than other tobacco products**.

These may include terms such as “low tar”, “light”, “ultra-light”, or “mild”; and

WHO FRAMEWORK
CONVENTION ON
TOBACCO CONTROL



PAHO/WHO

Interventions



Article 11 - Packaging and labelling of tobacco products

Each Party shall... ensure:

(b) **each unit** packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the **harmful effects of tobacco use**, and may include other appropriate messages. These warnings and messages:

(i) shall be approved by the **competent national authority**,

(ii) shall be **rotating**,

(iii) shall be **large, clear, visible and legible**,

(iv) should be **50% or more of the principal display areas** but shall be no less than 30% of the principal display areas,

(v) may be in the form of or include **pictures or pictograms**.

WHO FRAMEWORK
CONVENTION ON
TOBACCO CONTROL



PAHO/WHO

Interventions

Article 11 - Packaging and labelling of tobacco products

2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain **information on relevant constituents and emissions of tobacco products** as defined by national authorities

3. Each Party shall require that the warnings and other textual information specified ...will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its **principal language or languages**.

4. For the purposes of this Article, the term **“outside packaging and labelling”** in relation to tobacco products applies to any packaging and labelling used in the retail sale of the product.

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

PAHO/WHO

Interventions

Article 11 - Packaging and labelling of tobacco products

1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

....

COUNTRIES	DATE OF RATIFICATION OR ADHESION TO THE FCTC	FCTC DATE OF EFFECT	Years passed since the date of effect of the FCTC for interventions with established periods for their implementation		
			31-Dec-19	31-Dec-18	31-Dec-18
			P 5 year	W 3 years	E 5 years
Antigua & Barbuda	5-Jun-06	3-Sep-06	9.92	8.92	8.92
Bahamas	3-Nov-09	1-Feb-10	13.81	12.81	12.81
Barbados	3-Nov-05	1-Feb-06	13.20	12.20	12.20
Belize	15-Dec-05	15-Mar-06	12.14	11.14	11.14
Dominica	24-Jul-06	22-Oct-06			19.25
Grenada	14-Aug-07	12-Nov-07			7.29
Guyana	15-Sep-05	14-Dec-05			12.91
Jamaica	7-Jul-05	5-Oct-05	8.29	7.29	7.81
Saint Kitts & Nevis	21-Jun-11	19-Sep-11	13.91	7.93	
Saint Lucia	7-Nov-05	5-Feb-06	8.91		13.85
Saint Vincent & the Gren.	29-Oct-10	27-Jan-11			
Suriname	16-Dec-08	16-Mar-09			
Trinidad and Tobago	19-Aug-04	27-Feb-05			

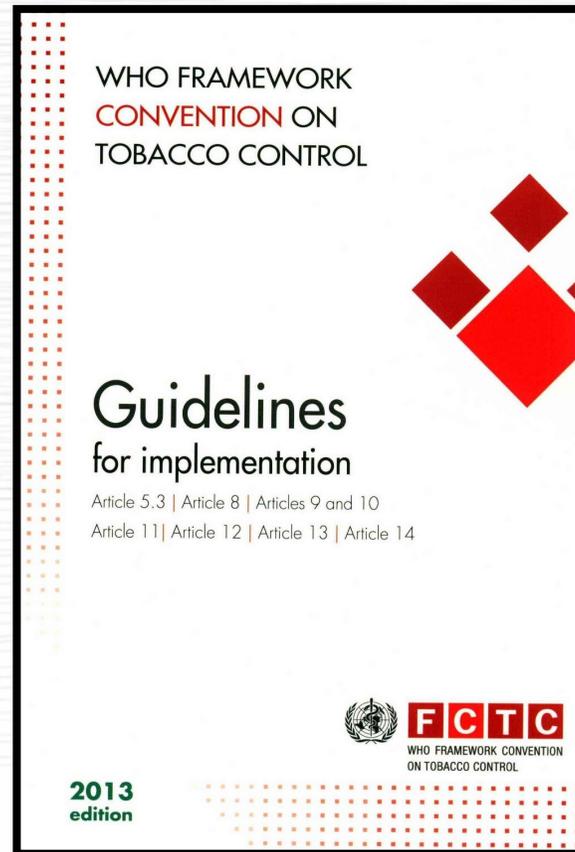
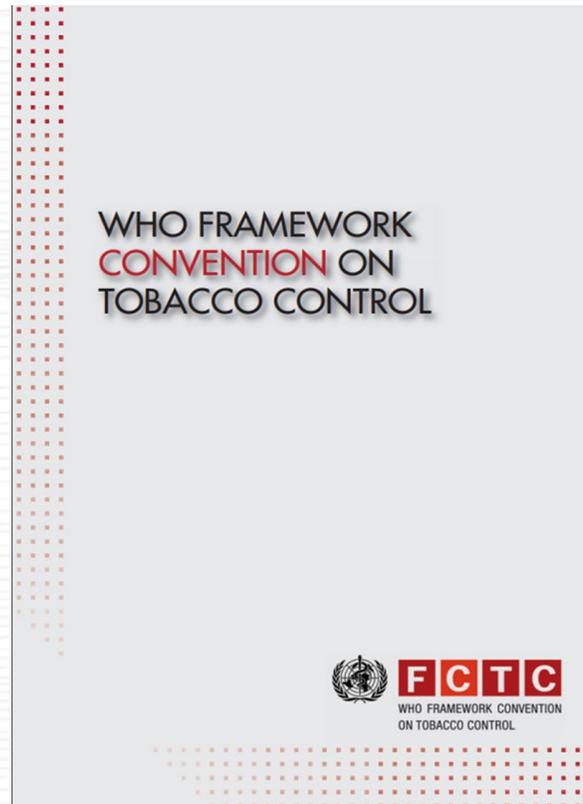
PAHO



PAHO

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Guidelines for implementation of Article 11



https://www.who.int/fctc/guidelines/article_11.pdf

Guidelines for implementation of Article 11



- Color
- Rotation
- Message content
- Process of developing
- Language
- Size
- Location



https://www.who.int/fctc/guidelines/article_11.pdf

Information on constituents and emissions



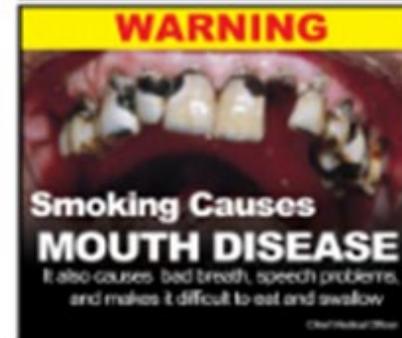
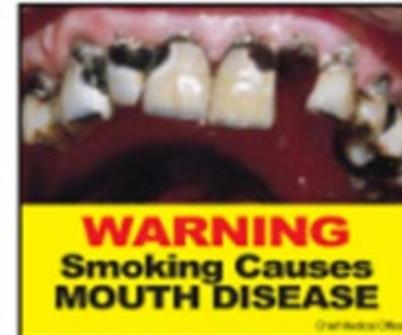
- qualitative statements to be displayed on each unit packet or package about the emissions of the tobacco product.
- should not require quantitative (or qualitative) statements on tobacco product packaging and labelling about tobacco constituents and emissions that might imply that one brand is less harmful than another

Rotation: Change is good!



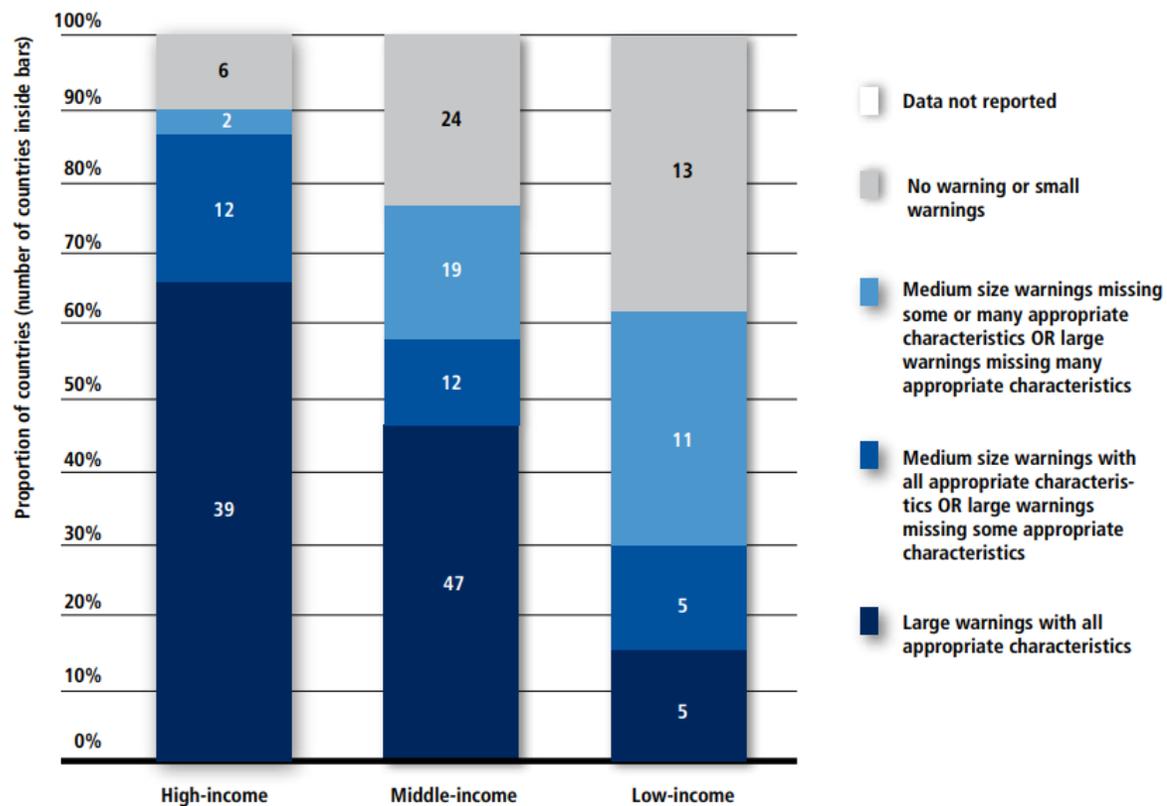
WARNINGS: 2015

SMOKED TOBACCO



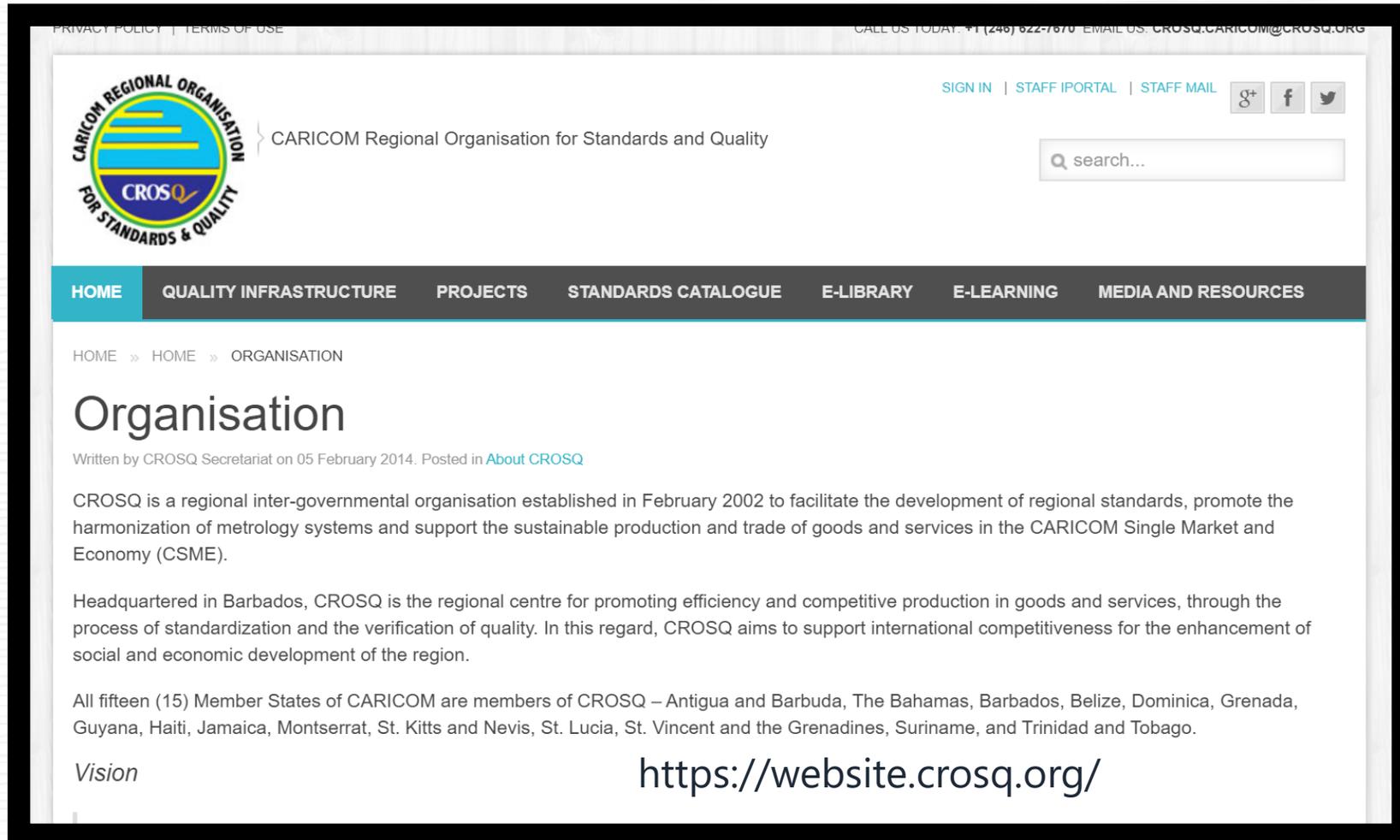
https://www.tobaccofreekids.org/assets/global/pdfs/en/WL_country_Jamaica_en.pdf

HEALTH WARNING LABELS



<https://apps.who.int/iris/bitstream/handle/10665/326043/9789241516204-eng.pdf?ua=1>

CROSQ Standard – Article 11



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 CARICOM Regional Organisation for Standards and Quality

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Organisation

Written by CROSQ Secretariat on 05 February 2014. Posted in [About CROSQ](#)

CROSQ is a regional inter-governmental organisation established in February 2002 to facilitate the development of regional standards, promote the harmonization of metrology systems and support the sustainable production and trade of goods and services in the CARICOM Single Market and Economy (CSME).

Headquartered in Barbados, CROSQ is the regional centre for promoting efficiency and competitive production in goods and services, through the process of standardization and the verification of quality. In this regard, CROSQ aims to support international competitiveness for the enhancement of social and economic development of the region.

All fifteen (15) Member States of CARICOM are members of CROSQ – Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Vision

<https://website.crosq.org/>

PAHO/WHO



Plain packaging



PAHO

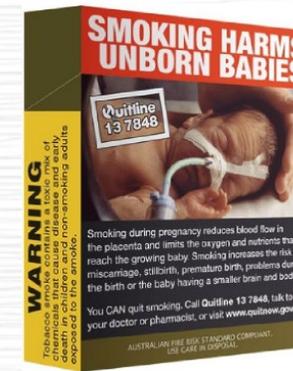
What is Tobacco Plain Packaging?



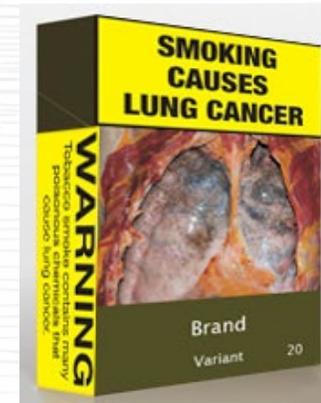
Source: Action on Smoking and Health (UK).



Source: © Commonwealth of Australia

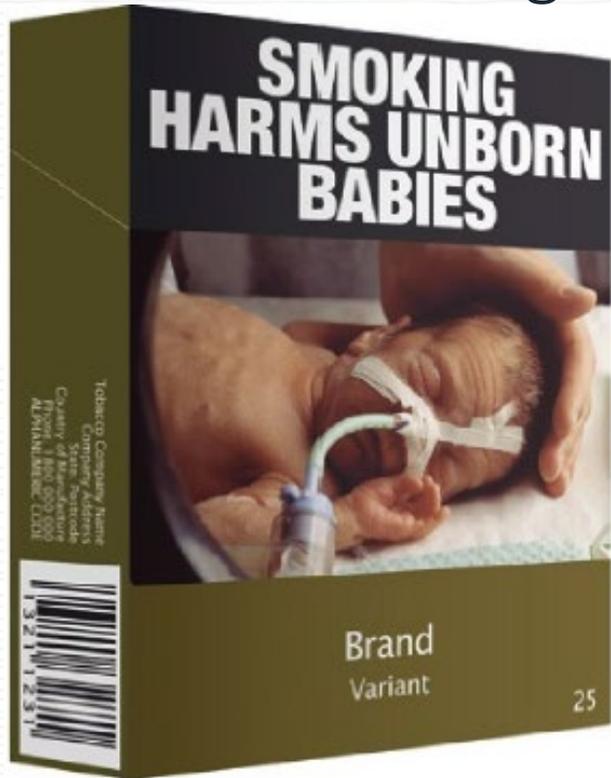


Source: © Alliance contre le tabac



Source: © New Zealand Ministry of Health

Defining Tobacco Plain Packaging



Source: © Commonwealth of Australia

- WHO FCTC Article 11 Guidelines describe plain packaging as:
“measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style”.
- WHO FCTC Article 13 Guidelines describe plain packaging as:
“black and white or two other contrasting colours, as prescribed by national authorities; nothing other than a brand name, a product name and/or manufacturer’s name, contact details and the quantity of product in the packaging, without any logos or other features apart from health warnings, tax stamps and other government-mandated information or markings; prescribed font style and size; and standardized shape, size and materials. There should be no advertising or promotion inside or attached to the package or on individual cigarettes or other tobacco products.”

Standardized Packaging



Source: Action on Smoking and Health (UK).

- The terms “plain” and “standardized” packaging are used interchangeably.
- Some countries prefer the term standardized on the basis that packaging with large graphic health warnings does not look plain.
- The Guidelines to Articles 11 and 13 refer to “plain” packaging and WHO also uses this terminology.

Relevance of WHO FCTC Articles 11 and 13



- Article 11 obliges Parties to implement “effective measures” to ensure that:
 - tobacco packaging and labelling do not promote tobacco products by means that are false, misleading or deceptive (Article 11.1(a)) and
 - packaging carries health warnings describing the harmful effects of tobacco use (Article 11.1(b)).
- Article 13 obliges Parties to undertake a comprehensive ban (or restrictions) on tobacco advertising, promotion and sponsorship.
- Guidelines for implementation of Articles 11 and 13 recommend Parties consider adoption of plain packaging.

Objectives of plain packaging

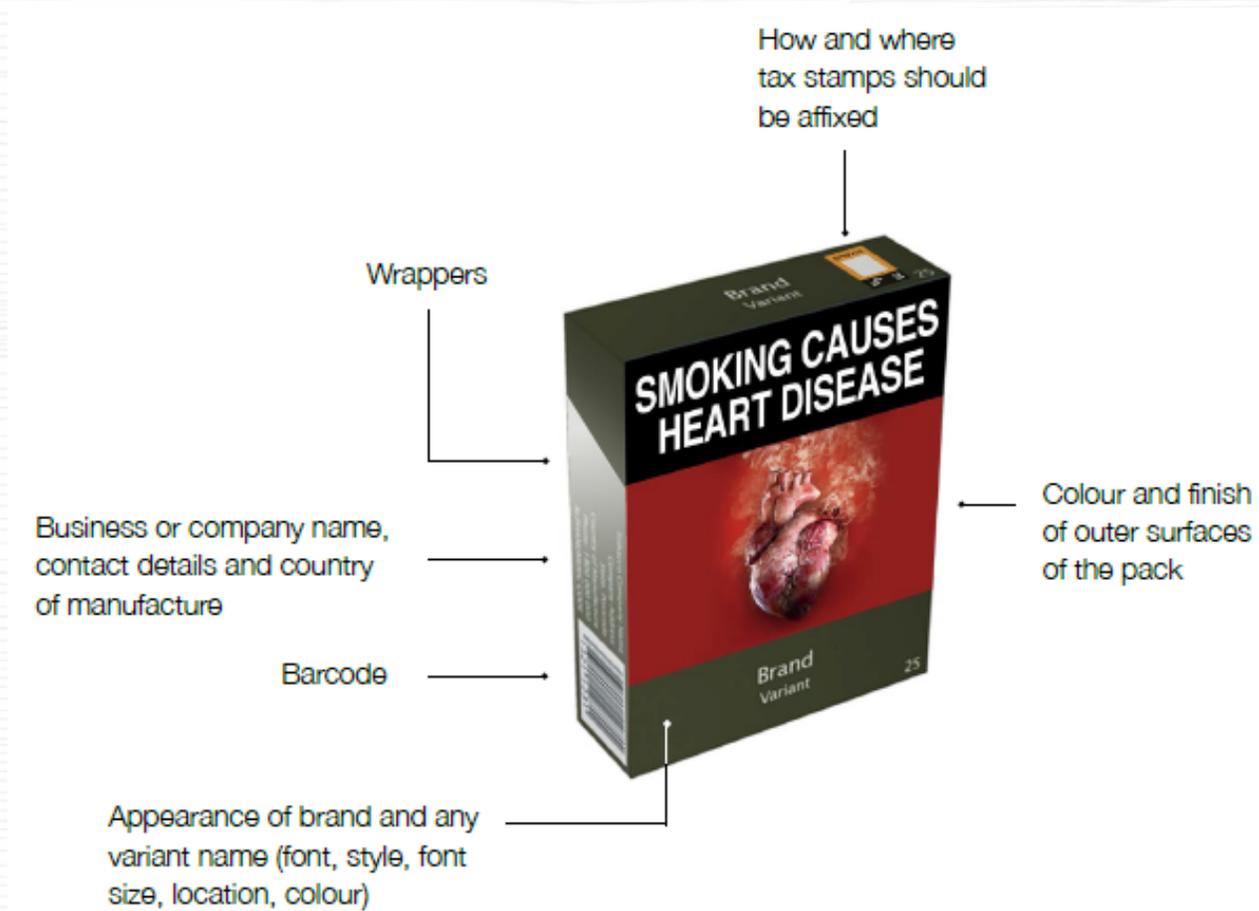


The objectives of plain packaging include:

- reducing the attractiveness of tobacco products;
- eliminating tobacco packaging as a form of advertising and promotion;
- eliminating misleading information by addressing package design techniques that may suggest that some products are less harmful than others; and
- increasing the noticeability and effectiveness of health warnings.

These proximal objectives contribute to the broader goal of protecting health by reducing demand for tobacco products.

Features of packaging to be standardized



Features of packaging to be standardized

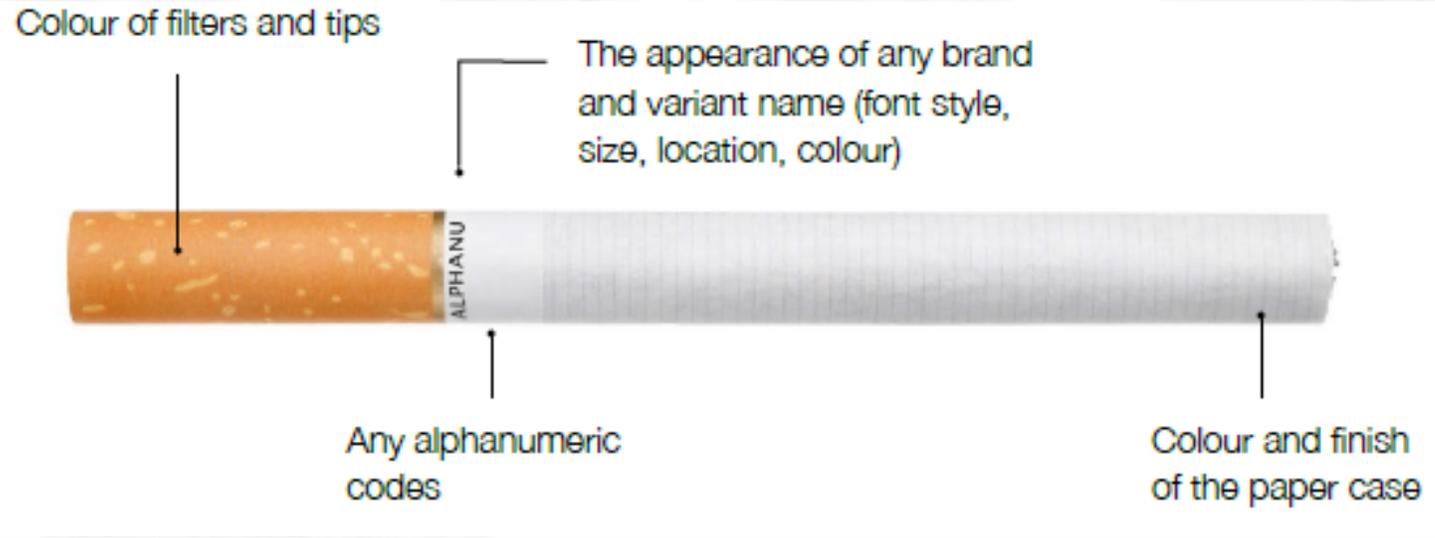
May apply differently to different categories of tobacco products (e.g. packaging of cigars, cigarettes and hand rolling tobacco)



Features of packaging to be prohibited

- Embellishments on the pack (e.g. embossing, irregularities of shape or texture)
- Pack inserts and onserts (e.g. tabs, stickers, attachments)
- Windows
- Scents and sounds
- Features designed to change after retail sale (e.g. inks designed to appear gradually over time, panels designed to be scratched off to reveal an image)
- Use of other communications technologies as part of the packaging.

Features of tobacco products to be standardized



Features of tobacco products to be standardized



Source: Consultation on "Plain and Standardized Packaging" for Tobacco Products Potential Measures for Regulating the Appearance, Shape and Size of Tobacco Packages and of Tobacco Products. Document for Consultation, May 2016, p. 23

Tobacco Industry Arguments and Counterarguments



Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *There is insufficient evidence that large pictorial HW work. They have not worked in countries in which they have been introduced.*
- *Smokers and nonsmokers already know the health risks of smoking.*
- Public education campaigns are a more effective to educate about the dangers of tobacco use.

Facts

- Sound evidence HW are effective: increasing awareness about the health impact (smokers and non-smokers), dissuading youth from initiating, avoiding smoking in front of children, persuading smokers to quit and preventing relapse.
- HW's primary target are tobacco users.

Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *HW breach international trade agreements and international investment treaties by infringing intellectual property rights and expropriating the tobacco company trademarks.*

Facts

- Undisputed in many countries that have implemented HW. Under international law, a trademark holder does not enjoy an absolute right of use that is free of regulation.

Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *Printing HW as required (color, rotation, etc.) is expensive and requires more time to implement than the allocated.*



Facts

- Tobacco packaging is usually sophisticated regardless HW. TI uses it for marketing, and it has already been done (usually same company).

Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *HW increase the illicit trade of tobacco products and in consequence a decrease in government revenues.*



Facts

- No independent evidence that HW increase the illicit trade. Aimed at reducing demand for tobacco cigarettes by increasing awareness of the health risks.

Countering Tobacco Industry Arguments

Pictorial Health Warning Labels

Countering Tobacco Industry Arguments

The Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control state, *“Given the evidence that the effectiveness of health warnings and messages increases with their size, Parties should consider using health warnings and messages that cover more than 50% of the principal display areas and aim to cover as much of the principle display area as possible.”*¹ Tobacco companies oppose large pictorial health warning labels (HWLs) because they see them as a threat to their business. Some common industry arguments are refuted below.

INDUSTRY ARGUMENT: *There is insufficient evidence that large pictorial HWLs work. They have not worked in countries in which they have been introduced.*

RESPONSE: There is a robust body of scientific evidence documenting that pictorial HWLs work.

Pictorial HWLs increase awareness about the health risks associated with smoking for both smokers and non-smokers.² Pictorial HWLs dissuade youth from taking up smoking³ and cause smokers to smoke fewer cigarettes, avoid smoking in front of children and pregnant women, and smoke less at home.⁴ Pictorial HWLs can also persuade smokers to quit⁵ and can assist in preventing relapse.⁶

The tobacco industry has been making such arguments about large HWLs since the early 1990s. For example, in 1994 Philip Morris warned South Africa that its proposed health warnings on 25% of the front and 50% of the back of tobacco packs would expropriate its intellectual property and breach its international legal obligations.¹⁰ Legal challenges never materialized and Philip Morris now accepts the need for health warnings on up to 50% of the tobacco packs. The tobacco industry conveyed similar warnings about proposals for even larger HWLs in New Zealand,¹¹ Canada¹² and Hong Kong¹³.

After decades of warnings with no subsequent follow-up action, Philip Morris International (PMI)



https://www.tobaccofreekids.org/assets/global/pdfs/en/WL_industry_arguments_en.pdf

[https://www.paho.org/hq/dmdocuments/2013/ENG-Tobacco-Manual-\(For-Web-14-May-2013\).pdf](https://www.paho.org/hq/dmdocuments/2013/ENG-Tobacco-Manual-(For-Web-14-May-2013).pdf)

PAHO/WHO

Want to know more?



**Stay tuned & Join tobacco control working group
tomorrow morning**