



2 October 2012

Plain Packaging Consultation
Ministry of Health
PO Box 5013
Wellington 6145

Email to: tobacco@moh.govt.nz

Dear Sir/Madam

Re: Proposal to introduce plain packaging of tobacco products in New Zealand

I am writing to you regarding the consultation document recently released entitled Proposal to Introduce Plain Packaging of Tobacco Products in New Zealand (referred to as 'the document').

First, NARGON wishes to point out that in general, we support moves to improve the overall level of public health. Healthy citizens make an essential contribution to the well-being of any country.

Second, we are not questioning the adverse consequences of long-term tobacco use, nor government's role in reducing tobacco use. The Government is committed to further reduce the prevalence of smoking, with an aspirational long-term goal of making New Zealand effectively a smoke free nation by 2025. Given this commitment, we acknowledge that various policy options will be investigated to reach the goal.

But initially, one overriding point that seems to be overlooked in the discussion of plain packaging for tobacco products, both in the consultation document and in the Regulatory Impact Statement (RIS), is that tobacco itself is not an illegal product or banned substance. As with alcohol, there is a restriction on the age in which it can be purchased, but any person over a certain age is allowed to buy tobacco, and in any quantity they wish. Therefore, proposals placing restrictions on the sale of tobacco and tobacco products should be conscious of this fact.

NARGON fully supports the BusinessNZ Submission, in particular their discussion on unintended consequences.

As well as unintended consequences flowing into other areas of industry that have no relation to the tobacco industry, it is likely that further consequences against the recently implemented prohibition of tobacco displays will also occur.

Because the packets will no longer be instantly recognisable, frontline retail staff will spend more time ensuring that they have the correct product that the customer has requested. This will likely

result in tobacco cabinets being unintentionally left open for longer periods and creating a possible breach of the prohibition of tobacco displays act of which the first general principle states:

1. Preventing public exposure of tobacco products at point of sale

The intent of the new law is to remove tobacco products from commercial display.

Retail displays of tobacco products are a promotional tool and a form of advertising. Other forms of tobacco promotion and advertising are already outlawed under the Smoke-free Environments Act 1990.

Exposure to branding and marketing imagery (including exposure through point of sale displays) increases the risk of young people taking up smoking, prompts impulse purchases and increases the risk of relapse among smokers who have quit.

It is desirable that no member of the public, especially young people and recent ex-smokers, should be exposed to the sight of tobacco products in everyday retail settings, including during deliveries or sales.

Any retail arrangements that could allow for the prolonged display of tobacco products (i.e. beyond the extent necessary) is a potential breach of the new law.

Sellers of tobacco products should therefore minimise the potential for “incidental visibility” of tobacco products from the inside or outside of their premises.

Other issues that are likely to occur at the shop level are:

- The shopkeeper is more likely to spend an increased amount of time with their back turned away from their customers increasing the risk to their personal safety and decreasing their ability to spot shoplifters.
- Managing stock will become far more difficult as they try to identify and accurately count their stock.

Both of the above are likely to cause increased cost to the shop owner.

Cigarette packages today do not display any type of alluring messages and their brands no longer carry the same enticement as they once did when tobacco companies sponsored “cool” events that would show tobacco products in a more positive light to the young and easily influenced.

However, the tobacco industry is still a competitive industry made up of multiple companies like any other selling legal products. To this end, they use the only avenue left to them to distinguish their brands from their competition to try and capture a share in a dwindling market. The packaging also helps to differentiate between the cheaper and more expensive brands. It is an opinion that should plain packaging be introduced then smokers are more likely to purchase the cheaper brands due to the lack of difference.

This can create further unintended consequences as plain packaging will help hide illegal imports of cheaper cigarettes.

Chemical analyses of these illicit products show that they contain two, three or even ten times the level of heavy metals found in legitimate brands. It has been estimated that smoking 20 of these cigarettes is as bad for one’s health as smoking 100 legal cigarettes.

NARGON does not believe that there is any evidence that shows that plain packaging will reduce the amount of smokers or be instrumental in helping to reduce the number of those who take up the habit. Instead we believe that should the plain packaging and tobacco products proceed, the resulting effect will be more harm than good through unintended consequences.

NARGON therefore recommends that the proposal to introduce plain packaging of tobacco products in New Zealand does not proceed.

Thank you for the opportunity to comment.

Kind regards,



Trina Snow

Executive Director

NARGON (The National Association of Retail Grocers of New Zealand)