

New Zealand moves towards plain packaging of cigarettes

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Public health experts and the Australian government have welcomed moves to make plain packaging of cigarettes mandatory in New Zealand, although question marks surround the measure's implementation.

New Zealand's government recently announced that it would develop legislation on plain packaging but that its implementation would await the outcome of challenges to laws in Australia made under world trade and intellectual rights agreements.

Australia's plain packaging legislation, which took effect on 1 December 2012, has survived a High Court challenge by tobacco companies but remains the subject of World Trade Organization complaints by the governments of Ukraine, the Dominican Republic, and Honduras and a case brought by Philip Morris Asia, claiming that the legislation breaches a bilateral trade agreement between Australia and Hong Kong.¹

New Zealand's plan already faces scrutiny at the WTO, with the Dominican Republic putting it on the agenda of the council of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), due to meet on 5-6 March.

Powerful US business organisations—including the US Chamber of Commerce, the National Association of Manufacturers, the Emergency Committee for American Trade, and the US Council for International Business—have also signalled their opposition.

However, Australia's health minister, Tanya Plibersek, and attorney general, Mark Dreyfus, have congratulated New Zealand for putting the health of its citizens ahead of tobacco industry profits.

Dreyfus said, "Australia will continue to vigorously defend its plain packaging measures at the WTO or in any other forum where they may be contested. Our measures are anticancer, not anti-trade."

Janet Hoek, a researcher from the University of Otago in Dunedin, who has researched tobacco branding, told the *BMJ* that plain packaging was backed by strong evidence and had a high level of public support in New Zealand.

"It's important to expose the tobacco industry's hypocrisy," she said. "On the one hand, they state they do not want children to smoke and claim smoking is an 'informed adult choice'... Yet on the other they oppose a strong, evidence based measure that would afford greater protection to children."

Mike Daube, a professor of health policy at Curtin University in Perth, who was involved with Australia's introduction of plain packaging, said that New Zealand's announcement was "immensely encouraging" and that other countries would follow suit.

"The history of tobacco control shows that the domino effect always comes into play," he said. "Something that seemed beyond us, once done in one country, is speedily followed by others. The world is now watching the UK to see if British ministers will go with health or will give in to 'big tobacco.'"

Becky Freeman, a tobacco control researcher at the University of Sydney, said that plain packaging was not only a public health win but also a political win.

"No doubt health ministers around the world have noticed that taking a hard and effective stance against the tobacco industry is welcomed and celebrated by the public," she said. "New Zealand is destined to be the first of many nations to follow Australia's lead."

Meanwhile, the Future Fund, which provides for unfunded federal superannuation liabilities for public servants and defence personnel in Australia, has announced that it would divest itself of tobacco investments. These accounted for 0.3% of the value of the fund at 31 December last year, or about \$A222m invested in 14 companies.

1 Sweet M. "Big tobacco can be taken on and beaten," say Australian officials. *BMJ* 2012;345:e5579.

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