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FUTURE ASPECTS OF PLAIN PACKAGING OF TOBACCO PRODUCTS IN INDIA

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ABSTRACT

Here we discussed about the current and future aspects of plain packaging in India to reduce the attractiveness of tobacco product and also it is informed to consumers that tobacco is harmful for health. Tobacco packaging should not use a marketing promotional tool to lure customers for making purchase. There are some countries, they are successfully implemented plain packaging and they got encouraging results. Australia is the first country who successfully implemented plain packaging in 2012. Now Indian government is also planning to introduce plain packaging of tobacco products. Packaging colors also misguide to customers it is less harmful for health like. E.g. – light colors packaging information on constituent and emissions, including misleading information about tar and nicotine yields. Plain packaging is also helpful for Increasing the notice ability and effectiveness of health warning. Plain packaging is a tool that creates a resistance in selling of tobacco products. Tobacco is a killer product and it is misleading for it to be presented in glitzy packaging. Every day of delay allows the tobacco industry to tempt more young people into adopting a deadly addiction. The government is fast running out of parliamentary time. it must now act with speed and decisiveness to ensure this crucial public health measure is law before the election. 26 countries were reported to have 'complete' bans on tobacco marketing. However, these bans do not cover all marketing media, with branded packaging a notable exclusion. This has led to growing interest in the public health ramifications of packaging in many countries. Three aspects of packaging have attracted particular attention: health warnings, pack descriptors, and the concept of plain packaging.

KEYWORDS

government role, health warning, legislation, plain packaging, tobacco issues.

INTRODUCTION

Plain packaging would require the removal of all colors, brand imagery, corporate logos and trademarks, permitting manufacturers to only print the brand name in a mandated size, font and place, in addition to required health warnings and other legally mandated product information such as toxic constituents, tax-paid seals, or package contents. A standard cardboard texture would be mandatory and the size and shape of the package and cellophane wrappers would also be regulated to prevent novelty pack shape varieties and covers replacing on-pack imagery. Plain packaging would encompass pack interiors and the cigarette itself, given the potential for manufacturers to use colors, bandings and markings and different length and gauges to make cigarettes more “interesting” and appealing.

Packaging differentiates brands, being particularly important in homogenous consumer goods categories like cigarettes. Marketing literature routinely highlights the critical role played by pack design in the overall marketing mix, emphasizing that the “product package is the communication life-blood of the firm”, the “silent salesman” that reaches out to customers and that packaging “act as a promotional tool in its own right.” Cigarette packaging conveys brand identity through brand logos, colors, fonts, pictures, packaging materials and shapes. The world’s most popular cigarette brand, Marlboro, can readily be identified through its iconic red chevron. The Marlboro brand is estimated to be worth \$US27 billion, making it the tenth most valuable (all products) brand in the world.

Unique among industries, the tobacco industry has always claimed that it has no interest in attracting new customers (i.e. non-smokers) but is interested only in stimulating brand-switching among current smokers and in maintaining brand loyalty in current customers. Notwithstanding the commercial absurdity of any industry professing disinterest in attracting new recruits, this position has been comprehensively undermined by a multitude of revelations from industry documents acknowledging the vital importance of attracting new smokers (predominantly youth).[19-26] It is therefore taken as read that in designing tobacco packs to appeal to potential purchasers, tobacco companies count among these, those already smoking their brand, those smoking competitors’ brands and those not yet smoking but who might be persuaded to start.

COUNTRIES HAVE SUCCESSFULLY IMPLEMENTED PLAIN PACKAGING

Australia was the first country to successfully to introduce plain packaging in 2012 and has seen decline in smoking. Now in current time UK, USA, Canada, France, Ireland, New Zealand, Korea, Thailand, Sri Lanka are applying plain packaging in all tobacco products.

"Plain packaging reduces the attractiveness of tobacco products. It kills the glamour, which is appropriate for a product that kills people," said WHO Director General Margaret Chan in a statement.

"It restricts tobacco advertising and promotion. It limits misleading packaging and labeling. And it increases the effectiveness of health warnings," Xinhua news agency quoted her as saying.

A number of other countries are also exploring the option whose positive effects on smoking trends have been documented in Australia.

The introduction of plain packaging in the country led to an additional 0.55 percentage point fall in smoking prevalence among those aged 14 and above between 2012 and 2015.

This is equivalent to over 108,000 people quitting, not relapsing or not starting to smoke during the period, WHO explained.

Plain packaging works by reducing the intrinsic appeal of tobacco products by restricting or prohibiting logos, colors, brand images and promotional information. Recommended by the WHO Framework Convention on Tobacco Control Secretariat, it is integral to a holistic approach to tobacco control that includes health warnings and bans on tobacco advertising, promotion and sponsorship.

The tobacco industry has fought against such reforms by carrying out misinformation campaigns to block plain packaging, Director of WHO's Prevention of Non-Communicable Diseases Douglas Bettcher explained.

"It is encouraging to see more and more countries defy the industry's tactics and implement plain packaging to reduce demand for tobacco products and put the health of their populations first," he said.

According to WHO, almost six million people die every year because of tobacco products.

ISSUES OF PLAIN PACKAGING

The design of a plain packaging measure is also closely related to and affected by other packaging and labeling measures. Specific issues for consideration include:

- ❖ The size of health warnings on packaging
- ❖ Where health warnings are located on product packaging, such as the top of packaging;
- ❖ how misleading elements of packaging, including descriptors, marks and symbols, are addressed;
- ❖ how information on constituents and emissions, including misleading information about tar and nicotine yields, is addressed;
- ❖ how information on ignition propensity is addressed;
- ❖ what information about smoking cessation, if any, is included on product packaging;

- ❖ whether tax stamps or markings for purposes of tracking and tracing tobacco products are used on product packaging, including where and how they are placed;
- ❖ how barcodes may appear on packaging?
- ❖ how any other government-mandated information may appear on packaging?

PURPOSE OF PLAIN PACKAGING

When viewed in the context of the WHO FCTC, and particularly Articles 11 and 13, plain packaging serves several purposes, including:

- Reducing the attractiveness of tobacco products.
- Eliminating the effects of tobacco packaging as a form of advertising and promotion.
- Addressing package design technique that may suggest that some product is less harmful than other.
- Increasing the notice ability and effectiveness of health warning.

LITERATURE REVIEW

Since the introduction of plain packaging, the Australian government has observed declining total expenditure on tobacco products and declining customs and excise clearances on tobacco products. Statistics also show that a decline in smoking prevalence has continued in Australia. These figures include the following.

The National Drug Strategy Household Survey for 2013 showed a reduction in the prevalence of daily smokers aged 14 years or over to 12.8% in 2013, compared with 15.1% in 2010.

The Australian Secondary Students' Alcohol and Drug survey found that in 2014 only 5.1% of 12–17 year olds are current smokers, compared with 6.7% in 2011.

In the National Health Survey rates of daily smoking among adults (18 years and older) have continued to drop, to 14.5% in 2014-15, compared with 16.1% in 2011-12 and 22.4% in 2001.

PUBLIC HEALTH RESEARCH CONSORTIUM REVIEW

A Government-commissioned systematic review of 37 studies providing evidence of the impacts of plain, standardized tobacco packaging was conducted by the Public Health Research Consortium (PHRC).¹⁶ Nineteen studies examined perceptions or ratings of attractiveness of plain, standardized packs. All of these studies found that standard packs were rated as less attractive than branded equivalent packs, or were rated as unattractive, by both adults and children. In addition, those studies that tested a range of branded and unbranded packs found that this difference increased progressively as more branding elements and descriptors were removed.

With regard to health warnings, the studies reviewed found that plain packs were perceived as being less cluttered and therefore less likely to detract from the health warning, and that the dullness or seriousness of the packs enhanced the seriousness and credibility of the warnings.

Studies which examined the impact of plain packs on perceptions of harm and strength found that results were mixed as perceptions varied according to the color of the packs. However, studies which examined perceptions of which pack was more effective in terms of raising awareness of health risk tended to find that plain standardized packs were perceived as more effective than branded packs.

Sixteen studies in the PHRC review examined whether and how plain packs impact on smoking related attitudes and beliefs. Although the findings were mixed, the overall pattern tends to be supportive of standard packaging being perceived to have a likely deterrent effect on smoking. Studies that looked at differences by age found that younger respondents were more likely than older respondents to perceive that standard packs would discourage take-up of smoking, encourage cessation or reduce consumption.

An update of the review examined a further 17 studies which have added to the evidence suggesting that standardized packaging would: reduce the appeal of cigarettes and smoking; enhance the salience of health warnings on packs; and address the use of packaging elements that mislead smokers about product harm.

CHANTLER REVIEW IN NOVEMBER 2013

Sir Cyril Chantler was commissioned by the Government to examine whether the introduction of standardized packaging would have an effect on public health, in particular in relation to the health of children. Chantler reviewed evidence from both public health bodies and that provided by the tobacco industry. He concluded by saying that he was: "persuaded that branded packaging plays an important role in encouraging young people to smoke and in consolidating the habit irrespective of the intentions of the [tobacco] industry". And added: "I am satisfied that the body of evidence shows that standardized 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."

AUSTRALIAN GOVERNMENT POST-IMPLEMENTATION REVIEW IN FEBRUARY 2016

The Australian government published its Post-Implementation Review of the impact of standardized tobacco packaging. The review concluded that while the full effect is expected to be realized over time, the evidence to date suggests that the measure is achieving its aims. Specifically, the review found that the measure accounted for approximately one quarter of the decline in smoking prevalence over the 3 year post-implementation period, during which time smoking fell from 19.4% to 17.2%. In addition, the Australian Government has released figures showing a significant fall in consumption as measured by estimated expenditure on tobacco products.

Calls to smoking quit lines increased significantly after standardized packaging was implemented. One study found a 78% increase in the number of calls to the Quit line in NSW following the introduction of tobacco plain packaging and enlarged graphic health warnings. Furthermore, the increase was sustained for a significantly longer period of time than the increase experienced following the introduction of graphic health warnings in 2006

CURRENT ASPECTS OF PLAIN PACKAGING IN INDIA

In July, 2014 Allahabad High Court allowed a petition filed by Love Care Foundation, a nonprofit organization operating for the welfare of children. The organization argued that the attractive packaging of the cigarette and tobacco products are a pseudo mode of advertisement and children are getting more attracted and allured to such products because of this. Evidences were presented from countries where plain packaging was introduced and which resulted in the decrease of consumption of such products. The Respondents Union of India and State of UP did not raise any argument against the petitioners and accepted that this is a step in the right direction. Further, there was no Respondent from the Tobacco Industry as well. Henceforth, the learned High Court directed the government to take appropriate steps in this direction.

Recently, another notification dated 15.10.14 with the name Cigarettes and Other Tobacco Products (Packaging and Labeling) Amendment Rules, 2014 has been passed which has provisions that will bring amendments in the Cigarettes and Other Tobacco Products (Packaging and Labeling) Rules, 2008. These Rules will come into effect from 1st April, 2015. The key highlights of these notifications have been mentioned below-

- The total area covered by the pictorial and statutory warnings on the packets of cigarettes -and Tobacco products has been increased from 60 % to 85 % (60% for pictorial health warning & 25% for textual health warning).
- The textual health warning shall not appear in more than two languages inscribed on the packet.
- The following details of the manufacturer have to be compulsorily mentioned on the packets
 - Name of the product.
 - Name and address of the manufacturer/ importer of the product.

- Origin of the product (for import tobacco).
- Date of manufacture.
- Any other matter as required by the Central Government as per international practice.

There are further many other elaborated instructions related to the statutory warnings to be mentioned on the packets both in textual and pictorial forms. The Seventh Session of the Conference of Parties to the WHO Framework Convention on Tobacco Control (COP7), hosted by India in November 2016, will be an opportunity to do just that. The conference provides an important forum to help fine-tune and enhance tobacco control measures across the Region, as well as to discuss and emphasize the utility of plain packaging. Plain packaging is already being considered by lawmakers in India, and will become a key tool for tobacco control partners and stakeholders from across the Region. It is an initiative that will only gain momentum.

FUTURE ASPECTS OF PLAIN PACKAGING IN INDIA

The Indian Supreme Court in the abovementioned case eventually pulled up the Ministry, even though the initial reaction of the bench was very surprising and rather uninformed. Cigarette smoking was proven to cause lung cancer way back in the 1950s and the causal link between smoking and cancer is no longer a disputable fact. While the Supreme Court contemplates plain packaging, the Indian Health Ministry has ordered government agencies to enforce the abovementioned 85% law strictly and even seize products that do not comply with these standards. This move has even led to a shutdown of tobacco factories in protest. Earlier, India had supported Australia's stance to introduce plain packaging at the WTO. It was also involved in the abovementioned WTO dispute as a third party. Going by the prevailing international trends and India's stance on this issue, it is quite likely that we shall see plain packaging laws introduced in India soon.

WILL PLAIN PACKAGING REALLY HELP INDIA

In the Indian context, the feasibility of plain packaging must be extensively explored. Nearly 75% of all cigarettes in India are sold loose and no enforcement mechanism seems realistically possible to check this practice. It is thus disputable whether or not a change in the packaging will actually help, since the buyer does not even come in direct contact with the packaging most of the time. Another question which arises is whether plain packaging shall be applicable to all tobacco products, including pan masala, beedi and gutka? Will it be possible to enforce these laws on local manufacturers and cottage industries? These are the aspects that must be addressed before making amendments to the Act.

As World No Tobacco Day is marked on Tuesday, the World Health Organization (WHO) highlighted the benefits of introducing plain packaging on tobacco products, a measure which saves lives by reducing consumer demand.

CONCLUSION

Plain packaging legislation remains an important but curiously under-explored part of comprehensive tobacco control legislation designed to eliminate all forms of tobacco advertising and promotion. While the industry promotes an unattainably high standard of proof for research showing that plain packaging would reduce smoking, they do not hold this same high standard with their own position that packaging only effects market share and only serves to encourage brand switching among adults. Claims that brand imagery merely facilitates product differentiation for current smokers at point-of-sale are disingenuous. Cigarettes, which cause the death of 50% of their long term users, are sold in very different circumstances: in nearly all nations, there are no restrictions on where they may be sold, ineffective policing of their supply to minors, and other than accommodating prescribed warnings, no restrictions on packaging. This paradox, whereby life-saving drugs are heavily regulated and life-harming drugs like nicotine sold in tobacco products are subject to few restrictions, requires radical change. Plain packaging would be an important step in that direction. In seventh session of the conference of parties to the WHO framework convention on tobacco control (COP7) hosted by India in November 2016, the health minister told in conference, Indian government is planning to implement plain packaging recently.

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