

Consultancy services to inform the development of a Post Implementation Review of the tobacco plain packaging measure

Stakeholder Consultation Report

September, 2015



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Glossary

Abbreviation	Expansion
ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
APAIS	Australian Public Affairs Information Service
ASSAD	Australian Secondary Schools Alcohol and Drug Survey
BATA	British American Tobacco Australia
BMJ	British Medical Journal
CATI	Computer-Assisted Telephone Interviewing
CBA	Cost Benefit Analysis
CITTS	Cancer Institute Tobacco Tracking Survey
FCTC	Framework Convention on Tobacco Control
GHWs	Graphic Health Warnings (2012)
GP	General Practitioner
HWSS	Health and Wellbeing Surveillance System
HMRC	Her Majesty's Revenue and Customs
IP	Intellectual Property
ITC	International Tobacco Control
JTI	Japan Tobacco International
NMI	National Measurement Institute
NDSHS	National Drug Strategy Household Survey
NGOs	Non-government organisations
NPV	Net present value
NSW	New South Wales
OBPR	Office of Best Practice Regulation
PBS	Pharmaceutical Benefits Scheme
PIR	Post Implementation Review
PML	Phillip Morris Limited
RBM	Regulatory Burden Measure
RSA	Rural Shops Alliance
SA	South Australia
SAHMRI	South Australian Health and Medical Research Institute
SES	Socio-Economic Status
TPP Act	Tobacco Plain Packaging Act
TPP	Tobacco Plain Packaging

Abbreviation	Expansion
TTC	Transnational Tobacco Corporations
UK	United Kingdom
USA	United States of America
WA	Western Australia
WHO	World Health Organization

Introduction

The Department of Health engaged Siggins Miller Consultants Pty Ltd (Siggins Miller) to undertake stakeholder consultation and to conduct a cost benefit analysis of the tobacco plain packaging measure, to assist them to prepare their Post Implementation Review (PIR) for the Office of Best Practice Regulation (OBPR). This report presents the findings of the consultation process.

The targeted stakeholder consultations which included face-to-face and telephone based interviews, and written submissions (online, email, hardcopy) were undertaken over a period of six weeks from the 16th February to the 27th March 2015, and were advertised in newspapers, via standardised information in organisation communications (e.g. newsletters, e-newsletters, communiqués) and via Twitter. Key informant interviews were conducted with, and written submissions received from, the tobacco industry (tobacco companies, wholesalers and importers, packaging manufacturers), retailers, public health organisations and experts, NGOs, government departments and consumers. A costing survey of tobacco industry representatives and government agencies was also undertaken during the same time period.

The main messages section below seeks to provide a high level summary of the detailed contents of the main body of the report in relation to substantial differences between the views or experiences of different stakeholders consulted.

Main messages

- Public health stakeholders believe, based on peer reviewed and anecdotal evidence that the tobacco plain packaging measure has had some or a significant impact on reducing the appeal of tobacco products to consumers, increasing the effectiveness of health warnings on tobacco products and reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking. They believe that tobacco plain packaging, as part of a comprehensive suite of measures, has had some impact and it could be expected that it will have a significant impact, in the longer term, on discouraging people from taking up smoking, encouraging people to stop smoking and discouraging them from relapsing. They believe that as a result of a reduction in the overall number of people smoking, this may indirectly reduce people's exposure to smoke from tobacco products. This group acknowledge that the stability of any findings will require longer term monitoring.
- In contrast, the tobacco industry, retailers and non-health related NGOs have a different view on how the tobacco plain packaging measure should be judged, citing evidence about smoking incidence (which they believe has increased), prevalence (which they believe has remained the same) and consumption and expenditure (which they believe has remained the same or increased in some states). When asked about the achievement of the hoped for intermediate objectives such as whether the plain packaging measure has reduced the appeal of tobacco products, many believe that the appeal of 'tobacco packaging' has been reduced for consumers but note that this is not the same as reducing the appeal of the 'tobacco products.' When asked about whether the effectiveness of health warnings has been increased, many agree that health warnings are more prominent/salient, however they question whether this outcome would result in less people taking up or quitting smoking, particularly given that the health risks associated with smoking are already known and have been for a long time. This group does not believe that tobacco packaging was in anyway misleading prior to the introduction of the

plain packaging measure and as a consequence question why it was necessary to remove branding.

- Public health stakeholders believe that the tobacco plain packaging measure has played a significant role in facilitating the ongoing debate about tobacco and as a result continues to remind people that tobacco is a unique product that causes significant illness or death in a majority of people who use it.
- The tobacco industry believe that in the timeframe since the introduction of tobacco plain packaging youth smoking has increased and cite evidence which they believe supports that view. In contrast, public health stakeholders cite evidence that suggests otherwise. The quality and relevance of each of these data sources is discussed by public health stakeholders and is presented in the body of this report.
- Some tobacco wholesalers and importers and most public health organisations and experts, retailers, government departments and consumers believe that plain packaging will be most effective and is likely to have its largest impact on those generations who are not yet smokers (i.e. act as a deterrent), rather than have a demonstrable impact on existing smokers, especially those who are highly nicotine dependent.
- Many stakeholders from all stakeholder groups reported that separating out the direct impact of tobacco plain packaging from other tobacco control efforts on either the achievement of intermediate (behavioural) or longer term (public health) objectives is difficult and a complex challenge.
- Public health organisations and experts and government department stakeholders note that while there is evidence from the literature that there is some impact on intermediate objectives (i.e. reduced appeal, increased effectiveness of health warnings and reduced ability of the retail packaging of tobacco products to mislead consumers) they believe more time is needed to monitor and measure the full impact of the measure on these objectives.
- The tobacco industry has made prevalence the centrepiece of its opposition to the measure, asserting that the government cannot show a proximal drop in smoking rates to establish that tobacco plain packaging has met its objectives. Government and public health stakeholders note that governments did not expect that the prevalence of smoking would drop immediately following the introduction of tobacco plain packaging in the short timeframe covered by the PIR. They note tobacco plain packaging was part of a comprehensive approach to assist with continuing the trend in the reduction of smoking rates.

Section 1: Introduction

1.1 Purpose of stakeholder consultation

The Department of Health commissioned Siggins Miller Consultants Pty Ltd (Siggins Miller) to undertake consultations with stakeholders that have or may have been affected by the tobacco plain packaging measure. The purpose of the consultation process was to gather views and supporting information about the impact of the implementation of the tobacco plain packaging measure on different stakeholder groups, inform a qualitative and quantitative cost benefit analysis of the measure and contribute costing data for the completion of the regulatory burden measurement tool.

1.2 Consultation timeframes and methods

The targeted stakeholder consultation including face-to-face and telephone based interviews, and written submissions (online, email, hardcopy) were undertaken over a period of six weeks from the 16th February to the 27th March 2015, and were advertised in newspapers, via standardised information in organisation communications (e.g. newsletters, e-newsletters, communiqués) and via Twitter. Key informant interviews were conducted with, and written submissions received from the tobacco industry (tobacco companies, wholesalers and importers, packaging manufacturers), retailers, public health organisations and experts, NGOs, government departments and consumers. A costing survey of tobacco industry representatives and government agencies was also undertaken during the same time period.

All major tobacco companies and major retailers were approached and invited to participate in consultations (including interviews, the written submission process and the costing survey), however, not all decided to contribute. For example, some stakeholders noted that they had previously engaged with the Department during the initial development and introduction of the tobacco plain packaging measure and therefore did not wish to participate in any additional consultation processes. Some also noted that due to work commitments their relevant teams were unavailable to participate in the consultation process.

1.3 Consultation protocol and costing survey

The protocol, designed in collaboration with the Department and in line with the requirements of the Office of Best Practice Regulation (OBPR), sought to gain stakeholders' views on the effectiveness and efficiency of the tobacco plain packaging measure in meeting the objectives of the Tobacco Plain Packaging Act (TPP Act) which are set out in Section 3 of the TPP Act. These are:

“3 Objects of this Act

- (1) The objects of this Act are:
 - (a) to improve public health by:
 - (i) discouraging people from taking up smoking, or using tobacco products; and
 - (ii) encouraging people to give up smoking, and to stop using tobacco products; and
 - (iii) discouraging people who have given up smoking, or who have stopped using tobacco products, from relapsing; and
 - (iv) reducing people's exposure to smoke from tobacco products; and
 - (b) to give effect to certain obligations that Australia has as a party to the Convention on Tobacco Control.

- (2) It is the intention of the Parliament to contribute to achieving the objects in subsection (1) by regulating the retail packaging and appearance of tobacco products in order to:
- (a) reduce the appeal of tobacco products to consumers; and
 - (b) increase the effectiveness of health warnings on the retail packaging of tobacco products; and
 - (c) reduce the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products.”

Limitations of the methods and findings

In reading this report and interpreting and giving weight to the views documented within it the following cautions should be noted:

- While the mix of methods commissioned (telephone and face to face interviews, the opportunity to provide written input and supply supporting data and the invitation to all relevant stakeholders to contribute to the costing study) was comprehensive and well advertised, it may be that some industry or public health stakeholders who hold different views have not contributed;
- The call for written submissions was commissioned for the purpose of informing the PIR. It was designed to include as many people who were interested in expressing a view to government. As such, it is not representative of the Australian population;
- In the online written submissions of the 412 respondents who identified as consumers, 366 (88.83%) were current smokers, 31 (7.52%) were not current smokers and 15 (3.64%) did not specify their smoking status. Twenty-three (5.58%) consumers indicated they had smoked in the past and 9 (2.18%) consumers indicated they had not smoked in the past. This proportion is not representative of the general population’s smoking behaviour;
- Consumer ratings need to be interpreted with caution, mindful of the fact that this group expressed personal opinion only and did not seek to provide data or refer to sources which they believe supported their view. In contrast, public health organisations and experts, government departments, NGOs, tobacco companies and some retailers referred to data and other sources which they believe supported their view. These sources included evidence from peer reviewed journals, government reports, ABS and other data (e.g. Aztec sales data), opinion pieces and commissioned research;
- The sources referred to or cited by various stakeholders have not been checked/verified for accuracy (i.e. original data sets were not provided to Siggins Miller to review and confirm). However, where sources are in peer reviewed journals we indicate this in the citations provided;
- The consultants were not commissioned to make judgements about the credibility of the stakeholders who participated in the consultation process and make no attempt to do so, it provides only the synthesis of themes that arise from answers given to the questions commissioned;
- It is often the case that there are different views or different strength of views expressed within stakeholder groups. For example, responses from some retailers may be inconsistent or conflict with responses from other retailers, or the views of health-related NGOs may be different to the views of public health organisations;
- Some stakeholders provided a rating but did not provide a qualitative explanation;
- Some stakeholders did not provide a rating but did provide a qualitative response;

- Some stakeholders provided qualitative responses which did not reflect their quantitative response (e.g. a respondent may have provided a negative rating, however, their explanation suggested that they did in fact believe that the measure had a modest impact; or a respondent provided a positive rating but their explanation suggested that the measure did not have an impact);
- Some stakeholders provided qualitative responses which did not relate to the specific objective/question. These responses were still included in the analysis and are presented under the relevant objective in other sections of this report; and
- Some stakeholders used some or all questions as an opportunity to put forward views which did not relate to any of the questions asked. These responses have been presented in Section 3 of this report.

1.4 Feedback on the consultation process

As part of OBPR requirements, all stakeholders were asked to comment on the extent to which they were satisfied with the consultation process. These questions were only asked of those stakeholders able to comment on the detail of the impact of tobacco plain packaging on the achievement of objectives (i.e. excludes Commonwealth government department representatives, please refer to page 5 for more detail). The results of this question are presented in Table 1 and described below.

Table 1. Stakeholders’ satisfaction with the consultation process

Stakeholder group	Positive result (satisfied/highly satisfied)	Negative result (unhappy/very unhappy)	Neutral	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	17/20	0/20	1/20	2/20
Government Departments (n=8)	7/8	0/8	0/8	1/8
Non-Government Organisations (n=14)	5/14	3/14	2/14	4/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	2/3	0/3	1/3	0/3
Tobacco Retailers (n=68)	28/68	11/68	18/68	11/68
Consumers (n=412)	172/412	50/412	137/412	53/412
Other (n=14)	3/14	3/14	4/14	4/14
Unspecified (n= 10)	4/10	0/10	1/10	5/10

Most stakeholders who participated in the consultation process provided a positive rating, with 238 stakeholders stating they were satisfied or highly satisfied with the consultation process. A smaller number of stakeholders, 69, were unhappy or very unhappy with the

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

consultation process. One hundred and sixty-four stakeholders rated their satisfaction with the consultation process as neutral.

The level of satisfaction with the consultation process varied across stakeholder groups. Most public health organisations and experts, health related NGOs, government departments, tobacco wholesalers and importers and a large number of retailers were either neutral, satisfied or highly satisfied with the consultation process based on the facts that: a range of consultation methods were available; consultation questions were relevant as they were based on the objectives of the tobacco plain packaging measure and provided opportunities for broader discussion/input to be put forward; and the consultation questions were applicable to the broad range of stakeholder groups and were considered unbiased/neutral. Those tobacco companies, retailers, non-health related NGOs and consumers who submitted a written response who were unhappy or very unhappy with the consultation process thought that: the six week timeframe for consultations was inadequate; consultation questions were not relevant as they did not directly address smoking incidence and prevalence, illicit tobacco, the impact of the measure on different stakeholder groups or the impact of other tobacco control measures; questions were biased against smokers; and questions were repetitive.

It should be noted that consultation timeframes were in line with OBPR guidelines for PIRs. Furthermore, extensions were granted to some stakeholders to submit responses mindful of the need to allow adequate time for data analysis and reporting, within the limits of the deadlines set by OBPR for the PIR as a whole. Consultation questions were based on the objectives of the TPP Act; asked about the positive and negative impacts of the measure on different stakeholder groups and included an open ended question inviting stakeholders to provide any other comments they felt they had been unable to provide in answer to set questions but felt were relevant.

Description of number and type of stakeholders who participated in the consultation process

The number and type of stakeholders who participated in the consultation processes via various methods is outlined in Table 2. Some organisations and stakeholders chose to participate in an interview *and* submit an online or email written response. In the case where organisations nominated stakeholders to participate in an interview and the organisation also chose to submit an online or email written response, these responses have been counted as separate responses as quantitative ratings and qualitative responses may have differed. Documentation supporting written responses (received via email or in hardcopy) was also received from a range of stakeholder groups.

Table 2. Number and type of stakeholders who participated in the consultation process

Stakeholder group	Interviews	Online written submission	Email written submission
Commonwealth government departments ¹	8 Departments (21 individuals)	0 Departments	0
Public Health Organisations/Experts	15 Organisations (24 individuals)	4 Organisations	4 Organisations

¹ A number of federal government agencies whose brief had a potential relationship to the implementation or impact of the tobacco plain packaging measure were interviewed. Most of the representatives from these agencies at interview felt unable to comment on the detail of the impact of tobacco plain packaging on the achievement of objectives. They did provide relevant contextual briefing about the roles of government agencies in the regulatory space and information useful for the costing study.

Stakeholder group	Interviews	Online written submission	Email written submission
Government Departments ²	6 Departments (12 individuals)	2 Departments	0
Non-Government Organisations	3 Organisations (4 individuals)	11 Organisations	0
Tobacco Companies	1 Organisation (5 individuals)	2 Organisations	4 organisations
Tobacco Wholesalers/ Importers	3 Organisations (4 individuals)	0 Organisations	1 organisation
Tobacco Retailers	9 Organisations (11 individuals)	59 Organisations	3 organisations
Consumers ³	n/a	412 individuals	0
Other ⁴	n/a	14 individuals	0
Unspecified	n/a	10 individuals	0
Total	45 Organisations/ Departments (81 individuals interviewed)	514 online written submissions	12 email written submissions

Please note that Table 2 presents the total number of organisations/individual stakeholders who participated in the consultation process by any means, while Tables 1, 3, 5, 7, 9, 10, 11, 13, 15, 17, 19 present only the total number of organisations/individual stakeholders who participated in the consultation process *using the consultation protocol specifically* (either via interview, online written submission or email written submission). For this reason, the total number of organisations/individual stakeholders in Table 2 is larger than the total number of organisations/individual stakeholders in Tables 1, 3, 5, 7, 9, 10, 11, 13, 15, 17, 19.

Interviews

In total 45 organisations/departments (81 individuals) agreed to and were interviewed. Please refer to Appendix 1A Table 1A for the list of all organisations who were invited to participate in the consultation process.

Online written submissions

In total 783 respondents started the online written submission process⁵ and 514 respondents answered some or all questions via this method.⁶ It was made clear to respondents that they did not need to answer all questions, only those they felt able to respond to.

² 'Government department/s' referred to in this report includes state and territory health departments and their affiliate government owned institutions.

³ Of those 412 respondents who identified as consumers, 366 (88.83%) were current smokers, 31 (7.52%) were not current smokers and 15 (3.64%) did not specify their smoking status. Twenty-three (5.58%) consumers indicated they had smoked in the past and 9 (2.18%) consumers indicated they had not smoked in the past. Please refer to Appendix 1B Table 1B for the demographics of consumers who submitted a response.

⁴ Includes one major tobacco packaging manufacturer and one printer. This category also includes three anonymous online survey respondents who identified as being in either the 'public health organisations/experts' and 'government' categories. Their qualitative responses however indicated that they were responding in their personal capacity and from their personal experience as smokers and not as experts or on behalf of a government agency or public health organisation. These respondents did not provide any references, supporting documents or research to support their views. For these reasons these stakeholders were categorised into the 'other' stakeholder category.

There was a high level of variability in the extent to which respondents who made an online or email written submission (which aligned with the consultation protocol) chose to provide answers to all questions (those that aimed to elicit both quantitative and qualitative answers) within the consultation protocol provided. All responses have been included in the analysis to ensure that the full spectrum of views expressed are represented and to assist with the management of any potential perceptions of bias in either direction (pro or against plain packaging) and for completeness.

Email written submissions

Twelve written submissions were received via email. Only one of these email written submissions aligned with the consultation protocol.

An additional submission from a tobacco company was received by Siggins Miller via post on the 19th June 2015 (12 weeks after the consultation process closed).

Costing survey

All major tobacco industry groups, major retailers and government agencies were invited to participate in a costing survey, to provide them with an opportunity to identify the material impacts of the tobacco plain packaging measure on them and to quantify, where possible, the costs and benefits of the tobacco plain packaging measure. An e-mail inviting industry representatives and government agencies to participate in the costing survey was sent to these groups on the 26th February 2015 with a close date of 16th March 2015 (2.5 weeks).

Stakeholders from industry and government agencies requested extensions to complete the survey, therefore the survey close date was extended to align with the broader consultation close date of the 27th March 2015 (four weeks). Many stakeholders noted that they did not have capacity to participate in the survey. Many government agencies noted that they did not incur costs as a result of the measure and therefore there was no need to complete the costing survey. Refer to Appendix 1A Table 1A for the list of stakeholders who were invited to complete the costing survey. Results of the costing survey were passed on to the economists for the purposes of the RBM and CBA.

1.5 Analysis

Relevance and repetitiveness of responses

Stakeholders often provided responses which addressed and/or were more relevant to some questions than others (e.g. a question was asked about the measure's impact on reducing the appeal of tobacco products but the stakeholder's response related to the increased salience of health warnings). For this reason, and also to reduce duplication, stakeholder responses are presented under those objectives to which they were most relevant. This approach was also used for written submissions.

Given the repetitiveness of responses across stakeholder groups identified at the time of analysis, it was decided that findings would be collated across stakeholder groups (rather than separately) when they had similar responses.

⁵ For the purposes of this report the 'online submission' process is defined as accessing and providing responses via our online platform hosted by QuestionPro.

⁶ Those respondents who started the online written submission process but failed to provide any response to non-demographic related questions were omitted from the analysis of consultation data.

Quantitative data

As part of interviews and the written submission process stakeholders were asked to provide a rating on the extent to which they thought that the tobacco plain packaging measure had achieved its objectives and to explain the basis on which they made that judgement. Rating points included “not at all”, “very little”, “unsure”, “somewhat” and “to a great extent”. Frequencies for positive (somewhat and to a great extent), unsure and negative (not at all or very little) ratings for each stakeholder group are presented in the findings section of this report.

Qualitative data analysis

The analysis of qualitative data was overseen by a lead coder and the process involved:

- Segmenting the data;
- Identifying key themes and patterns in the data (coding);
- Discussing emerging themes and patterns across multiple coders;
- Moderating themes and patterns in line with group discussion; and
- Summarising data according to key themes.

Section 2: Stakeholder perceptions of the tobacco plain packaging measure

In line with the logic and intention of the Tobacco Plain Packaging Act we present first the results of the consultation process in relation to the effectiveness and efficiency of the tobacco plain packaging measure in achieving its intermediate objectives, followed by the results of the consultation process in relation to the measure’s contribution to longer-term public health objectives.

2.1 The intermediate objectives section 3(2) of the TPP Act

This section of the report presents:

- Stakeholder perceptions about whether the tobacco plain packaging measure has been effective and efficient in meeting its intermediate objectives; and
- Sources cited by stakeholders which they put forward to support their views.

It also:

- Draws together the findings of stakeholder interviews and written submissions;
- Presents a high level summary of the views of stakeholders and does not seek to critique whether the statements or sources relied upon are accurate; and
- Presents verbatim comments from stakeholders who participated in the consultation process in order to illustrate the diversity of views.

Reducing the appeal of tobacco products to consumers (section 3(2)(a) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they think that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has reduced the appeal of tobacco products to consumers. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 3 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 3. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has reduced the appeal of tobacco products to consumers, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	19/20	0/20	0/20	1/20

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Government Departments (n=8)	7/8	0/8	1/8	0/8
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	2/3	1/3	0/3	0/3
Tobacco Retailers (n=68)	4/68	59/68	4/68	1/68
Consumers (n=412)	16/412	388/412	7/412	1/412
Other (n=14)	0/14	13/14	1/14	0/14
Unspecified (n= 10)	1/10	9/10	0/10	0/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Appeal of ‘tobacco packaging’ versus the appeal of ‘tobacco products’;
- Consumers becoming less brand conscious; and
- Reduced appeal leading to changes in smoking related behaviours.

Appeal of ‘tobacco packaging’ versus the appeal of ‘tobacco products’

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s who gave positive ratings cited peer reviewed sources, unpublished data and anecdotal evidence, which suggest that the introduction of tobacco plain packaging has had an impact on the appeal of both ‘tobacco packaging’ and ‘tobacco products’ such that:

- Packs are seen as less attractive and fashionable;
- Existing smokers are less satisfied with the look of their products;
- Smokers appear to be covering their packets or transferring cigarettes to a different case; and
- Smokers perceive lower cigarette quality including taste, and experience lower satisfaction/enjoyment using tobacco products.

Stakeholders from these groups supported their views with the following sources:

- Wakefield et al, 2015, a peer reviewed article, which was cited as showing that more smokers disliked their packs, thought the packs had lower appeal, lower cigarette quality, lower satisfaction and lower value;

- White et al, 2015b, a peer reviewed article, which was cited as showing that fewer adolescents agreed that some brands have better looking packs than others and packs were rated less positively and more negatively;
- Miller et al, 2015, a peer reviewed article, which was cited as showing that for cigar and cigarillo smokers the appeal of packaging decreased among those who were occasional smokers of premium cigars and cigarillos. Non-premium cigarillo smokers also reported reduced appeal, quality, taste, enjoyment and value of their products;
- Dunlop et al, 2014, a peer reviewed article, which was cited as showing that smokers reported a significant increase in strong negative perceptions about their packs, including significant increases in strong disagreement that the packs are attractive, fashionable, and influence their choice of brand;
- Lin et al, 2014, a research report to the Cancer Council WA, which was cited as showing that smokers felt the taste of cigarettes had changed since the introduction of plain packaging; and
- Wakefield et al, 2013, a peer reviewed article, which was cited as showing that smokers using fully branded packs, compared to plain pack smokers perceived their cigarettes to be of lower quality and less appealing, and reported being more likely to think about and prioritise quitting.

One public health expert said that the impact of tobacco plain packaging on the appeal of tobacco products would vary depending on whether people are highly nicotine dependent or not. Those who are highly nicotine dependent are likely to have larger issues in their life which drive their smoking behaviour (e.g. mental health issues, lack of self-efficacy, frustration, boredom) rather than tobacco packaging. In contrast, another clinically orientated public health expert noted that some of their patients reported a significantly reduced affinity for their 'packet of cigarettes' or report fewer cravings from seeing or handling plain packaged cigarettes rather than on previous quit attempts with branded packages. Both of these public health experts noted that these highly nicotine dependent people were also using pharmacotherapy to aid their cessation. Both stakeholders did not cite any sources to support their view.

The retailers who provided a positive rating reported that they believe tobacco plain packaging reduces the appeal of tobacco products to 'new consumers'. Some based their positive rating on their experience in the retail industry, declining sales since 2012 (when the measure was introduced), less young customers purchasing cigarettes and customer feedback. The consumers who provided a positive rating reported that they have seen smokers covering or hiding their cigarette packets, as smokers themselves are turned off by tobacco packaging (including GHWs) and based on their belief that tobacco packaging is less attractive. These consumers did not cite any sources to support their view.

Tobacco company stakeholder/s, tobacco wholesalers and importers, tobacco packaging manufacturers, retailers, non-health related NGO stakeholder/s, consumers and stakeholders from the 'other and unspecified' category who provided a negative or unsure rating reported that they believe tobacco plain packaging has had very little or no impact on reducing the appeal of tobacco products to consumers. Despite these negative ratings, many tobacco companies, tobacco wholesalers and importers, tobacco packaging manufacturers, retailers and consumers who submitted a response indicated through qualitative responses that they believe 'tobacco packaging' is not as appealing as it once was. Some members of the tobacco industry, retailers and consumers who participated in the consultation believe that 'tobacco packaging' plays no role in the appeal of tobacco products, rather they reported that, it is the

‘tobacco product’ inside the packet which attracts consumers. These stakeholders supported their views with the following sources:

- A 2015 report by SLG economics which included analysis of the National Tobacco Plain Packaging Tracking Survey (NTPPTS) data which was cited as showing that after considering a number of different measures (from the NTPPTS) they concluded that plain packaging was not successful in reducing the appeal of tobacco.

Consumers, and stakeholders from the ‘other and unspecified’ category who provided a negative rating reported that tobacco plain packaging had not reduced the appeal of tobacco products as they and others continue to smoke. They did not cite any sources to support their view.

One government department stakeholder indicated that they were ‘unsure’ whether the measure has had an impact on reducing the appeal of tobacco products to consumers as they were not familiar with the existing evidence.

The qualitative views of retailers who provided an ‘unsure’ response were either not relevant to the question (and therefore are addressed elsewhere in this report) or they did not provide further explanation of their rating.

The small number of consumers who provided an ‘unsure’ rating offered the following responses: they do not mix with smokers and therefore are unable to comment; they still smoke; tobacco plain packaging may make a difference to young people but not existing smokers; the measure and GHWs may deter young people but were not sure what young people think; there was no way of telling whether appeal had been reduced; they did not provide a qualitative response; or provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process. These consumers did not cite any sources to support their view.

Consumers becoming less brand conscious

In response to consultations, public health organisation and expert stakeholder/s, government department stakeholder/s, retailers and tobacco wholesalers and importers who gave positive ratings indicated that they believe that the perceived status and glamour that was once associated with smoking premium brand tobacco products has likely been removed by tobacco plain packaging, and as a result so has consumers’ identification with, and purchase of, these brands. These stakeholders did not cite any sources to support their view.

Some retailers and tobacco wholesalers and importers believe that because consumers are less brand conscious they may be more likely to purchase less prestigious brands. They did not cite any sources to support their view.

Public health organisation and expert stakeholder/s referred to a peer reviewed journal article which they believe suggests that the introduction of tobacco plain packaging was associated with an increase in the use of value brands. This study concluded that this was likely due to the increased numbers of value brands available and the fact that there were smaller increases in prices for value brands relative to premium brands (Scollo et al, 2015; public health analysis of peer reviewed article published in journal).

Consumers who provided negative ratings had diverse views on the impact of tobacco plain packaging on the choice of brand. Some reported that the measure has had no impact on their choice of brand, while others believe consumers are less brand conscious. They also referred to the price of tobacco products as one factor which influences consumers’ choice of brand. They did not cite any sources to support their view.

Tobacco company stakeholder/s, tobacco packaging manufacturers, non-health related NGO stakeholder/s and retailers who provided negative ratings referred to sources which they

believe suggest that consumer buying habits have changed as a result of tobacco plain packaging together with ad hoc tobacco excise increases in the cost of tobacco products.

These stakeholders supported their views with the following sources:

- A 2014 newspaper article which analyses industry data (Kerr and Creighton 2014) which was cited as showing that the commoditization of tobacco products in Australia has altered the competitive dynamics of the market by shifting consumer demand to lower-priced products, while not reducing smoking prevalence or tobacco consumption;
- A 2014 newspaper article which analyses non-public InfoView data (Kerr 2014) which was cited as showing that a rise in the market share of cheaper cigarettes from 32% to 37% last year. The newspaper article also states that this is backed up by retailers, consumer marketers and the industry, with cigarette maker Phillip Morris International saying its information showed no drop in demand; and
- Non-public Aztec sales data, which was referenced in a written submission from a major industry body and cited as showing that as brand identity has been eroded, price has become the key driver in consumers' purchasing habits and according to actual sales data from Aztec, the sub-value tobacco segment continues to drive growth in value at +53.1% for the 12 months to January 2015.

One non-health NGO stakeholder/s who provided a negative rating reported that tobacco plain packaging has had an effect on choice of brand but had not reduced the appeal of tobacco products as consumers do not care about what tobacco packaging looks like. This stakeholder did not cite any sources to support their view.

Reduced appeal leading to changes in smoking related behaviours

One tobacco company stakeholder noted that studies in support of tobacco plain packaging, where respondents generally say they find tobacco plain packaging less appealing than branded packaging, only provide an indication of the respondent's perceptions and do not address whether reported reductions in appeal have any relevance to the actual decision to start (or continue) smoking. For this reason they say that there is no basis to assume reducing the appeal of tobacco packaging is relevant to the factors that contribute to and determine an individual's attitude to smoking and/or becoming a smoker. This stakeholder did not cite any sources to support their view.

Public health advocates argue, based on peer reviewed literature, that particular consumer perceptions may be predictive of intentions to quit in the longer term. For example, they referred to Brennan et al, 2105, a peer reviewed article which was cited as showing that:

- Tobacco plain packaging with larger GHWs positively and significantly predicted the likelihood that smokers at follow-up reported thinking about quitting at least daily, intending to quit, having a firm date to quit, stubbing out cigarettes prematurely, stopping oneself from smoking and having attempted to quit. The study noted that a small number of the appeal variables were also prospectively associated with quitting-related outcomes.

Stakeholders believe these findings provide an initial insight into the pathways through which tobacco plain packaging with larger GHWs may lead to changes in smoking behaviour.

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s also recognise that tobacco plain packaging is one of a range of measures (such as GHWs) which work together in order to reduce the appeal of tobacco products, and therefore increase the likelihood that people think about and prioritise quitting.

Table 4 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 4. Examples of stakeholder views

“...in the early days of tobacco control there were efforts to remove the visibility of advertising, and those could be said to reduce the visibility but maybe not the appeal. But this is a distinct strategy that is trying to deglamourize and remove the ability of tobacco companies to brand in the way that they did for so many years.” (Public health organisation/expert)

“to a great extent....because tobacco products have used their packaging to appeal to different ages and genders in somewhat subtle but very well researched way to attract people to their products and since so much other advertising of tobacco has gone, the packaging was the last, one of the last things that was attracting people, or increasing the appeal of tobacco.” (Public health organisation/expert)

“too [sic] a great extent...based on available evidence (published and conference presentations) tobacco plain packaging is having a positive influence. There are more smokers making quit attempts, less tobacco brand appeal and loyalty, and a reduction in the perceived appeal of tobacco products for youth. There is also evidence that the measures are changing the way smokers smoke, for example hiding their packs from view of others and smoking less of a cigarette before extinguishing.” (Government department stakeholder)

“Tobacco plain packaging means that it’s less about the brand. Whilst people are creatures of habit and like to pick a particular brand, the tobacco plain packaging means it’s all the same so now preference has been taken out of the equation. Tobacco companies can no longer put something on the packaging to make their packs more attractive to a potential buyer.” (Non health related NGO)

“Based on the evidence, it is clear that people dislike the packaging, although, it is not clear whether their dislikes on tobacco plain packaging translate into their intention to quit or start smoking.” (Non health related NGO)

“The statistical evidence is absolutely clear that plain packaging, while having an effect on choice of brand, has no effect whatsoever in reducing the appeal of tobacco products.” (Non health related NGO)

“Customers now look for cheaper cigarettes without being too concerned about brand.”

“...people aren't worried what the packaging is, so long as they get their cigarettes.” (Retailer)

“People who want to smoke do so irrespective of the packaging. If they do not like the packet they simply purchase a tin or some other container and put their cigarettes in that.” (Retailer)

“Tobacco plain packaging has shown consumers shift from the premium products to the lower end products to service their need – it has reduced the appeal of products.” (Tobacco wholesaler and importer)

“The tobacco plain packaging is ineffective to existing smokers. Existing smokers know their product. Existing smokers won't give up because of packaging. It is much more effective on new smokers. The glamour has gone as has identity with a particular brand.” (Tobacco wholesaler and importer)

“Believe that the appeal of tobacco is due to reasons largely outside of packaging. It can be argued that plain packs eliminate brand appeal but I believe this marginal at best [sic].” (Tobacco packaging manufacturer)

“Rather than the legislation effecting smoking rates as intended, it appears to have changed tobacco buying habits. Consumers are buying the same amount of tobacco, but in bulk quantities in order to, 'save the difficulty involved in purchasing tobacco'. This difficulty is due to the confusion created at the point of sale by the consumer's inability to differentiate between brands.” (Tobacco packaging manufacturer)

“I haven't changed my brand of cigarettes nor have I reduced the number of cigarettes I consume per day.” (Consumer)

“Plain packaging has made no difference whatsoever to me purchasing the brand / type of cigarettes, I still purchase exact same packet as before.” (Consumer)

“Smokers smoke because they like the particular brand, the packaging is immaterial.” (Consumer)

“I do not know of anybody that has quit smoking or changed brands due to the plain packaging and it has not stopped people from starting smoking the only thing it has done has been the retailer selling the wrong brands and strengths to people.” (Consumer)

“Consumers are buying cheaper cigarette brands and are much more value conscious.” (Consumer)

“I have not known a single smoker who has quit as a result of plain packaging. The only result has been an increase in people buying cheap brands as they all look the same.” (Consumer)

“All it has done is make people smoke the cheaper brands as there is no stigma attached to it now that all the brand packets look alike.” (Consumer)

Increasing the effectiveness of health warnings on the retail packaging of tobacco products (section 3(2)(b) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has increased the effectiveness of health warnings on the retail packaging of tobacco products. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 5 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 5. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has increased the effectiveness of health warnings, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	17/20	0/20	1/20	2/20
Government Departments (n=8)	7/8	0/8	1/8	0/8
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	1/3	2/3	0/3	0/3
Tobacco Retailers (n=68)	8/68	57/68	2/68	1/68
Consumers (n=412)	28/412	375/412	8/412	1/412
Other (n=14)	0/14	12/14	2/14	0/14
Unspecified (n= 10)	1/10	9/10	0/10	0/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Salience of health warnings; and

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

- Changes in people’s smoking behaviour.

Saliency of health warnings

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s who gave positive ratings (or in two cases did not provide a quantitative rating) cited the following peer reviewed sources which suggest that after the introduction of the measure:

- Dunlop et al, 2014; Yong et al, 2015; Wakefield et al, 2015; and Miller et al, 2015, peer reviewed articles, which were cited as showing that health warnings were considered to be more prominent by smokers;
- Dunlop et al, 2014; Yong et al, 2015; and Wakefield et al, 2015, peer reviewed articles, which were cited as showing that more salient health warnings prompted smokers to think more about the risks of smoking (a reaction which is seen to be related to increased quit attempts); and
- Dunlop et al, 2014; Wakefield et al, 2015; and Miller et al, 2015, peer reviewed articles, which were cited as showing that smokers avoided specific health warnings when purchasing packs and were more likely to cover or hide their tobacco packs.

During the consultations, one government department stakeholder described receiving complaints from consumers requesting the removal of GHWs, as they did not want to look at them whilst they smoked.

Tobacco company stakeholder/s, retailers, tobacco wholesalers and importers, tobacco packaging manufacturers, non-health related NGO stakeholder/s and consumers who provided negative ratings believe that the measure had some initial impact on smokers as demonstrated through:

- Consumers requesting/avoiding particular GHWs when purchasing tobacco products; and
- Consumers decanting cigarettes from packets and/or hiding their packets to avoid the GHWs.

However, stakeholders from these groups, and also from ‘unspecified’ and ‘other’ categories:

- Think that because consumers were already exposed to health warnings prior to the tobacco plain packaging measure they have had significant time to become desensitised to warnings and therefore they are no longer affected; and
- Questioned whether increasing the saliency of health warnings on tobacco products would deter people from smoking, and believe that given that the health risks associated with smoking are universally known and have been for a long time there is no reason to suggest that tobacco plain packaging and larger GHWs would deter people from smoking.

Some of the tobacco industry who provided negative responses referred to sources which they believe suggest that health warnings on tobacco plain packaging do not influence smokers’ decision to quit and, that even if tobacco plain packaging was shown to increase the saliency of health warnings, this would have no influence on people’s experimentation with, or use of, tobacco products. For example they noted that:

- A 2015 report by SLG economics which included analysis of the NSW Cancer Institute Tobacco Tracking Survey (CITTS) data which was cited as showing that CITTS data strongly challenges the assumption that plain packaging increases the effectiveness of GHWs;
- A 2015 report by SLG economics which included analysis of the ANDSHS 2013 data which was cited as showing that the percentage of smokers nominating health warnings

on tobacco packets as the reason for trying to quit smoking reduced from 15.2% in 2010 to 11.1% in 2013 for all respondents (aged over 12) and from 15.3% to 10.9% for respondents aged over 18;

- A 2015 report by SLG economics which included analysis of the National Tobacco Plain Packaging Tracking Survey (NTPPTS) data which was cited as showing that in terms of increasing the effectiveness of GHW's, the evidence from the NTPPTS is mixed;
- White et al, 2015a, a peer reviewed article, which was cited as showing that plain packaging did not increase adolescents cognitive processing of warning information. The submission also noted that the research was jointly funded by the Department of Health, Cancer Councils and participating States.

The remaining stakeholders from these groups (including some retailers, one tobacco wholesaler and importer, one tobacco packaging manufacturer, non-health related NGO stakeholder/s and consumers) who either provided positive or unsure ratings reported that:

- They did believe that health warnings were more noticeable as a result of tobacco plain packaging (although some indicated that their effectiveness may reduce over time);
- Their experience with smokers suggest that they are off-put by enhanced GHWs and in some cases have used GHWs to assist them to quit; and
- They were unsure whether the measure had increased the effectiveness of health warnings.

These stakeholders did not cite any sources to support their view.

It is important to note that while some retailers, non-health related NGO stakeholder/s, and consumers who provided quantitative ratings indicating that the measure has had some or a significant impact on increasing the effectiveness of health warnings, their explanation: did not reflect the positive rating; or did not relate to the question asked.

One public health organisation and one consumer indicated that they were 'unsure' whether the measure has had an impact on increasing the effectiveness of health warnings as they were not familiar with existing evidence. One government department indicated that they were 'unsure' of the impact of the tobacco plain packaging measure as it is difficult to separate out the impact of this measure from other tobacco control measures such as GHWs and ad hoc tobacco excise increases, as these measures work together (along with other tobacco control measures) to have an impact. The small number of retailers, consumers and those from the 'others' category who were 'unsure' whether the measure has had an impact did not provide a qualitative response; or provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process. These stakeholders did not cite any sources to support their view.

Changes in people's smoking behaviour

Most stakeholders from industry and a small number of stakeholders from government departments and health-related NGOs, questioned whether more prominent health warnings would result in less people taking up smoking or existing smokers quitting. They did not cite any sources to support their view.

Other public health stakeholders cited the following peer reviewed sources:

- Wakefield et al, 2015, a peer reviewed article, which was cited as showing that particular consumer behaviours such as avoiding specific GHWs and covering/hiding packs are known to indirectly predict increased quitting thoughts and attempts; and
- Brennan et al, 2015, a peer reviewed article, which was cited as showing an increase in the likelihood that smokers think about quitting, intend to quit, have a firm date to quit and stop oneself from smoking.

Table 6 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 6. Examples of stakeholder views

<p><i>“There are fewer distractions, like the product branding – it’s very clear, the health risks that come with it.” (Public health organisation/expert)</i></p> <p><i>“For example it really stands to reason that there is nothing else on the packet except for health warnings it’s going to draw more attention to the health warnings. It’s not diverted by anything else.” (Public health organisation/expert)</i></p> <p><i>“...from speaking with people it’s increased the visibility – but they get used to it...” (Public health organisation/expert)</i></p> <p><i>“Tobacco plain packaging provides a drab and non-competitive backdrop for the GHWs. By removing the brands and appealing colours it makes the health warnings far more prominent.” (Government department stakeholder)</i></p> <p><i>“Tobacco plain packaging has, if anything, reduced the effectiveness - there is significant international scientific research on how, once a certain point is reached, GHWs have reduced effectiveness as people tune out, and this is the experience of our members and supporters.” (Non health related NGO)</i></p> <p><i>“When the packaging first came out, some consumers would ask for certain packages (i.e. not the baby picture please). But, after maybe a few months, the care factor was lost.” (Non health related NGO)</i></p> <p><i>“tobacco plain packaging does not enhance the effectiveness of health warnings. Noticing something, particularly something one knows already - such as a health warning on a tobacco product - does not make it more effective and translate into a change in actual smoking behaviour.” (Tobacco company)</i></p> <p><i>“By the time that we implemented tobacco plain packaging the health warnings had been in place for a number of years, and the graphic warnings for a number of years, we suspect that a lot of our customers had become quite desensitised to those graphic images by that date.” (Retailer)</i></p> <p><i>“The initial shock value of these graphic warnings have long worn off, and the majority of consumers don't even see them anymore. As a retailer, I find that seeing them all day every day I don't even notice the health warnings anymore. People know the health risks.” (Retailer)</i></p> <p><i>“If they (consumers) are disgusted by the looks of the packets they transport into a metal case or cigarette holder. But lately it's rare for consumers to worry about the signage and the warning on the packet.” (Retailer)</i></p> <p><i>“The health warnings are more noticeable now.” (Retailer)</i></p> <p><i>“...because there is no branding health warnings a lot easier to see.” (Retailer)</i></p> <p><i>“There’s no doubt that the health warnings are large and graphic – the size and the fact that there is no other colour on the packaging means the warnings stand out more than anything.” (Tobacco wholesaler and importer)</i></p> <p><i>“With the graphic nature of and the number of different warnings, people can be in no doubt about adverse health effects related to smoking. The size of the warnings on packaging can only be rated as effective.” (Consumer)</i></p> <p><i>“Health warnings at the top are great, people do need to be aware and support these health issues.” (Consumer)</i></p> <p><i>“Warnings should be made available on everything.” (Consumer)</i></p> <p><i>“The health warnings are extremely visible which makes them effective. However, most people just cover them with their phones or put them in their bag/pocket. Easy to shield.” (Consumer)</i></p> <p><i>“Those that choose to smoke make an informed decision knowing the consequence and therefore warnings do not provide additional information of which the consumer is not already aware.” (Consumer)</i></p> <p><i>“Already had graphic photos before the 'plain packaging' measure so the effectiveness is somewhat unchanged.” (Consumer)</i></p>

Reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products (section 3(2)(c) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has reduced the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 7 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 7. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has reduced the ability of retail tobacco packaging to mislead consumers, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	19/20	0/20	0/20	1/20
Government Departments (n=8)	8/8	0/8	0/8	0/8
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	0/3	3/3	0/3	0/3
Tobacco Retailers (n=68)	8/68	50/68	8/68	2/68
Consumers (n=412)	40/412	342/412	25/412	5/412
Other (n=14)	0/14	11/14	3/14	0/14
Unspecified (n= 10)	1/10	8/10	1/10	0/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

analysed and then presented below according to one major theme which included the ability of the retail packaging of tobacco products to mislead consumers.

The ability of the retail packaging of tobacco products to mislead consumers

Public health organisation and expert stakeholder/s, government department stakeholder/s, and health related NGO stakeholder/s who provided positive ratings cited the following peer reviewed sources:

- Wakefield et al, 2015, a peer reviewed article, which was cited as showing that more smokers believed that brands do not differ in harmfulness after the introduction of tobacco plain packaging (compared to before its introduction); and
- White et al, 2015b, a peer reviewed article, which was cited as showing that plain packaged tobacco products with enlarged GHWs created more uncertainty about whether there were differences between brands addictive qualities and their ease of being smoked.

In addition to citing these sources, this group believe that the removal of branding elements from tobacco packaging:

- Brings the consumer back to reality and to the real health consequences of smoking rather than the images associated with the branding elements (e.g. Marlboro man on a horse);
- Can no longer give the impression that smoking is acceptable by using colours and text synonymous with good health (e.g. light blue, crisp white, forest green), or describe and use colours on tobacco products in such a way that makes them appealing, or arouses interest and brand loyalty; and
- Together with health warnings, highlights the Australian Government's stance that tobacco is a unique (and highly dangerous) product which warrants a robust evidence based measure, and in this way sends a very clear message to consumers that the product is unsafe.

Those public health organisation and expert stakeholder/s who believe that the measure has had a modest impact, noted that there is still further action that can be taken as variant names still remain on packs, and filter venting and flavours allow for a different smoking experience amongst brands and variants.

The small number of retailers who indicated through positive ratings that they believe that the measure has had some or a significant impact on reducing the ability of the retail packaging of tobacco products to mislead consumers either: noted that tobacco plain packaging is misleading as it does not include nicotine and tar levels on packaging; or did not provide a qualitative response; or provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process. One retailer who thought the measure had a significant impact said that tobacco plain packaging has successfully reduced tobacco companies' ability to market the product as anything other than what it is. They said that: *"One example would be the Marlboro Man campaign which incorporates arbitrary values."* They did not provide any further explanation of this qualitative response. These stakeholders did not cite any sources to support their view.

Consumers who provided a positive rating: said it was based on personal experience; recognised that tobacco plain packaging has taken away untrue statements about the effect, flavour and glamour of tobacco; reported that it takes maturity to take in the message of the harmful effects of smoking; did not provide a qualitative response; provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process; or their response directly conflicted with their ratings. These stakeholders did not cite any sources to support their view.

Tobacco company stakeholder/s, retailers, tobacco wholesalers and importers, tobacco packaging manufacturers, non-health related NGO stakeholder/s, consumers, stakeholders from the 'other and unspecified' category who provided a negative response do not believe tobacco packaging was misleading prior to the introduction of the measure. These stakeholders supported their views with the following source:

- A 2015 report by SLG economics which included analysis of the National Tobacco Plain Packaging Tracking Survey (NTPPTS) data which was cited as showing that the survey data does not provide much information about the ability of tobacco plain packaging to mislead about the harm from smoking.

Stakeholders from these groups said that prior to tobacco plain packaging, a range of tobacco control measures highlighting the health risks of smoking were already in place (including health warnings), thereby addressing any perceptions that consumers could be misled about the harmful effects of smoking. One non-health related NGO presented their analysis of a report prepared for the former Department of Health and Aged Care which they believe shows that the health risks associated with smoking are universally known:

- *“In the Evaluation of the health warnings and explanatory messages on tobacco products report by Elliot and Shanahan, commissioned by the Australian Tobacco and Alcohol Strategies Section of the Department of Health and Aged Care, it was found that awareness of the warnings on the front of cigarette packs was virtually universal. It found that 91% of all smokers surveyed and 98% of non-smokers surveyed disagreed with the statement “I don’t think smoking has any real negative effect on your health at all.””* (Industry analysis of a report prepared by Elliott and Shanahan Research [October, 2000] for the Department of Health and Aged Care).

Further to this, tobacco company stakeholder/s argued that in line with previous requests from the Australian Competition and Consumer Commission (ACCC), they believe they had already stopped using packaging elements which were seen to potentially mislead consumers about tobacco products.

Many stakeholders in this group (consumers, retailers, tobacco wholesalers and importers) when asked questions about the ability of tobacco packaging to mislead consumers, responded in relation to earlier tobacco control efforts. For example, they noted that they thought the removal of product information from tobacco packaging (including tar, nicotine etc) was misleading as they believe it means consumers no longer know what they are smoking and makes it difficult for those who want to move to lower strength products when trying to quit. Additionally, some retailers and many consumers challenged the validity of the GHWs, noting that they believe them to be misleading as they are 'overstatements of the health consequences of smoking'. For example, these stakeholders referred to the health warning which depicts Brian, who they believe died as a consequence of Acquired Immune Deficiency Syndrome (AIDS), not from tobacco products. A number of stakeholders in this group (consumers, other and unspecified) believe that changing the colour of tobacco packaging has not had any impact on any aspect of people's actions or life choices to smoke. They did not cite any sources to support their view.

The small number of consumers who indicated that they were 'unsure' whether the measure had had an impact either provided no response or provided a response which did not relate to the objective. One consumer (who identified as a smoker) noted that they were aware that low nicotine cigarettes are equally as dangerous as cigarettes with higher concentration of nicotine but indicated that they were unsure whether other people were aware of this. They did not cite any sources to support their view.

Those retailers and stakeholders from ‘other and unspecified’ categories who indicated they were ‘unsure’ did not provide a qualitative response.

Table 8 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 8. Examples of stakeholder views

“The packaging could give the impression to consumers or potential smokers that smoking is ok, that it is not bad for you, but once you have got the warnings and pictures and tobacco plain packaging there is nothing left to give that impression really.” (Public health organisation/expert)

“...it is inaccurate to say when you suck or [sic] on this burning matter or vegetable, you would be transported to a tropical island while in fact it will damage your lungs circulation and health. By putting the direct effect of smoking on the package and allowing that to communicate clearly to consumer, it is actually reducing the ability to mislead consumers.” (Public health organisation/expert)

“A lot of progress on removing misleading things on packs like ‘light’ and ‘mild’ labels had already been done ahead of this [plain packaging], so it is a continuation of what has been done but I’m not sure it’s a big leap because of what has already happened.” (Public health organisation/expert)

“To the extent that tobacco plain packaging went, it’s probably been as effective as it could have been while those variant names are still on the pack.” (Public health organisation/expert)

“while the introduction of plain packaging stopped the tobacco industry from being able to use colour of the pack as an indicator of ‘strength’ of the product, the legislation did not stop companies from putting variant names on the packs so terms such as ‘smooth’ and ‘rich’ which were familiar to smokers remained along with their differing connotations of strength of product. In addition tobacco companies began to incorporate the previous colour of the pack into the variant name such as Marlboro Silver Fine Scent reinforcing the previous misperception that products differ in relation to their strength. Another tactic was to reregister the variant name as part of the brand name so as to allow the variant name to appear with the brand name in larger font on the pack, for example Marlboro Red became the trademarked brand name. The new legislation also did not address the design or content of the products themselves, so features such as filter venting and flavours which increase palatability of tobacco remained, providing a different smoking experience amongst brands and variants. With variant names still being allowed and the tobacco industry’s exploitation of this exception, the achievement of this objective would have undoubtedly been made more difficult.” (Public health organisation/expert)

“You’re not on a horse on top of a hill you’re looking at a picture of someone’s gangrenous foot. What the message is whether the message is a direct, verbal message from the tobacco industry or an image from the tobacco industry you’re less likely to be misled. (Health related NGO)

“Tobacco products prior to tobacco plain packaging did not mislead consumers on the harmful effects, therefore this question is moot.” (Non health related NGO)

“Given the restrictions already in place regulating the sale of legal tobacco prior to plain packaging, the capacity for tobacco plain packaging to reduce the ability of retail packaging to mislead consumers about the effects of smoking was always going to be minimal, indeed if such capacity existed at all.” (Retailer)

“This question implies that previous branding on tobacco products sought to mislead consumers about their effects. From the retail perspective, tobacco branding was focused on product identity and did not equate to promoting that smoking is not harmful. Large warning signs that ‘Smoking kills’ have been evident in retail outlets for a number of years.” (Retailer)

“..., tobacco product branding was already subject to large GHWs, nullifying any potential for it to mislead consumers about the harmful effects of smoking.” (Retailer)

“Branded packaging has never, to my experience shown any misleading content regarding the safety of the product.” (Retailer)

“I don’t think any of that [packets with variants like ‘smooth’] would have contribute to misleading customers about the harmful effects of smoking generally which I think going through the 80’s and 90’s there was obviously a very conscientious and significant health warning process of trying to educate people about the harmful effects of cigarettes. Whether or not words like ‘smooth’ and the likes, the labelling of packets would actually tend to mislead a reasonable consumer about health effects regarding tobacco” (Retailer)

“the adult consumer is not a fool and does not wish to be treated as such. By not having nicotine and tar levels on the packet is misleading.” (Retailer)

“The new packaging is probably more misleading, because when we had the strength on the packaging that was telling people what it was.” (Tobacco wholesaler and importer)

“There was no indication that original packaging was misleading consumers about harmful effects. At least, I never perceived there to be.” (Consumer)

“What should be on cigarette packets is the amount of ingredients, chemicals, nicotine etc so as the consumer is more informed and made aware of what they are smoking, not just what smoking may cause.” (Consumer)

“Tobacco companies can no longer fool people into thinking that smoking is good for your health.” (Consumer)

Tobacco plain packaging as an efficient mechanism for achieving the intermediate objectives (section 3(2) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they think that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, is an efficient mechanism for:

- Reducing the appeal of tobacco products to consumers;
- Increasing the effectiveness of health warnings on the retail packaging of tobacco products; and
- Reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products.

Some stakeholders responded to this question by considering the impact of the tobacco plain packaging measure on their specific stakeholder group and/or other stakeholder groups rather than considering the efficiency of the measure in achieving each of the objectives. The quantitative ratings across the objectives are presented separately for each. However, as there was no material difference between the qualitative comments expressed by stakeholders about the efficiency of the tobacco plain packaging measure we present them once only. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Has the measure been an efficient mechanism for reducing the appeal of tobacco products to consumers

Table 9 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 9. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has been an efficient mechanism for reducing the appeal of tobacco products to consumers, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	19/20	0/20	0/20	1/20
Government Departments (n=8)	7/8	0/8	1/8	0/8
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	2/3	1/3	0/3	0/3

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Tobacco Retailers (n=68)	3/68	61/68	3/68	1/68
Consumers (n=412)	10/412	387/412	7/412	8/412
Other (n=14)	0/14	13/14	1/14	0/14
Unspecified (n= 10)	1/10	9/10	0/10	0/10

Has the measure been an efficient mechanism for increasing the effectiveness of health warnings on the retail packaging of tobacco products

Table 10 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 10. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has been an efficient mechanism for increasing the effectiveness of health warnings on retail tobacco packaging, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	17/20	0/20	1/20	2/20
Government Departments (n=8)	7/8	0/8	1/8	0/8
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	1/3	2/3	0/3	0/3
Tobacco Retailers (n=68)	6/68	56/68	5/68	1/68
Consumers (n=412)	25/412	376/412	6/412	5/412
Other (n=14)	0/14	13/14	1/14	0/14
Unspecified (n= 10)	1/10	9/10	0/10	0/10

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Has the measure been an efficient mechanism for reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking

Table 11 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 11. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has been an efficient mechanism for reducing the ability of retail tobacco packaging to mislead consumers, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	16/20	0/20	0/20	4/20
Government Departments (n=8)	8/8	0/0	0/0	0/0
Non-Government Organisations (n=14)	6/14	6/14	1/14	1/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	0/3	2/3	1/3	0/3
Tobacco Retailers (n=68)	6/68	51/68	9/68	2/68
Consumers (n=412)	33/412	351/412	22/412	6/412
Other (n=14)	0/14	12/14	2/14	0/14
Unspecified (n= 10)	0/10	8/10	2/10	0/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to one major theme which included tobacco plain packaging as an efficient mechanism.

Tobacco plain packaging as an efficient mechanism

Tobacco company stakeholder/s, tobacco wholesalers and importers, tobacco packaging manufacturers, retailers, non-health related NGO stakeholder/s and consumers believe that tobacco plain packaging has not been efficient for the industry as they argue that there were significant burdens and costs to implement the measure.

Retailers and consumers referred to inefficiencies which they believe the measure has caused at point of sale, saying that it takes longer for retailers to identify the correct brand and can

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

result in the sale of the wrong tobacco product to consumers. Further inefficiencies are described by retailers when placing and receiving tobacco orders in order to ensure the correct product is received, specifically that it takes longer to check the stock delivered against what was ordered. The training of staff in retail outlets was also identified as costly by retailers and their peak bodies/member organisations.

While many industry related stakeholders highlighted the increased burden on them and/or their staff associated with the measure, one group representing a large number of retailers believe that the measure has not had an ongoing impact on the businesses they represent. Further to this, they highlighted that tobacco companies provided assistance or advice to retailers, where they could, during the introduction of the measure about how to minimise the impact of the tobacco plain packaging measure on their staff and customer. This included, for example, suggestions for stock layout/shelf placement.

One tobacco wholesaler and importer noted that tobacco plain packaging has been efficient for increasing the effectiveness of health warnings. This observation was based on “execution of the regulation.”

Most public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s believe that tobacco plain packaging has been either a somewhat efficient, or a very efficient mechanism for achieving its objectives. Tobacco plain packaging was seen by these groups to be an efficient mechanism because:

- It has wide-spread impact (i.e. every consumer who purchases a packet is exposed);
- It has had an immediate impact (i.e. there appeared to be an immediate negative response/reaction in smoker’s perceptions as soon as the measure was introduced based on peer reviewed articles sighted above);
- It aligns with other tobacco control measures including for example GHWs and tobacco tax excise increases; and
- It is a relatively low cost ongoing intervention for government compared to other tobacco control measures (such as the ongoing implementation and updating of public education campaigns).

One health related NGO noted that the tobacco plain packaging measure is particularly efficient in rural and remote areas where the reach of some tobacco control measures may be lower. For example, this NGO reported that the further one travels from major centres the less likely people are to be exposed to:

- Smoking restrictions outside buildings and in entertainment venues;
- Higher concentrations of staff whose job it is to enforce no smoking zones; and
- Non-smoking signage or health promotion posters.

This NGO reported that it is for these reasons that tobacco plain packaging and GHWs together become more important in rural and remote areas and are an efficient mechanism for achieving the stated objectives of the legislation.

No stakeholder groups cited any sources specifically related to the ‘efficiency’ of the measure to support their view.

Table 12 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 12. Examples of stakeholder views

“In terms of efficiency I think it’s highly efficient – the government doesn’t have to spend money on massive ad spends – it doesn’t need to tweak and change the time at which its screen etc. its every person who buys a packet is exposed to it.” (Public health organisation/expert)

“The most efficient way to maximise the impact of the health warning label is to design the pack in such a way that you reduce the distraction away from the warning which was part of the research that went into the design” (Public health organisation/expert)

“Efficiency seems to be a less relevant question than effective when it comes to matters of public health. It’s a little unclear – efficient for whom? I don’t know how much it cost the government but we would say that if it’s saving lives then it’s worth it. I’m sure that it was inefficient for some others that found it inconvenient, including Philip Morris and their legal costs.” (Public health organisation/expert)

“Very efficient as a regulation and doesn’t cost anything to do and even in terms of retailers – the costs of changing packaging is always exaggerated extraordinarily by industry.” (Public health organisation/expert)

“Efficiency – very easy for government as a regulation that has to be delivered by industry. Whenever you ask industry to do something there are still costs associated with it to productivity etc. if it was any other industry I would worried about that but an industry whose product we now know from the work of Emily Banks a cohort of 200, 000 Australian that it is a product that kills 2/3 of the people who use it (and early death). So the interference in relation to this should be of no worry/consequence to me.” (Public health organisation/expert)

“Since there is no glamorisation on the pack, then there is no way to mislead people as you can’t put any other messages on the pack. As for efficiency, this was the last way that companies could seek to appeal to certain groups through advertising.” (Government department stakeholder)

“When you are looking at efficiency then you look at the costs compared to the outcomes. There is an upfront cost to Commonwealth and to manufacturers but then its business as usual.” (Government department stakeholder)

“I think it’s very efficient because instead of a billboard – it’s there every day. It’s just rearranging of ink on the packet.” (Health related NGO)

“In terms of its efficiency, in terms of cost and benefit I have no idea. I could suspect it was a good way from the research but in terms of how much it costs and what the movement is... I imagine shopkeepers wouldn’t be too happy.” (Health related NGO)

“There are absolutely NO benefits of plain packaging. It has just made things harder for retailers.” (Non health related NGO)

“Health warnings could still be made to be on coloured packaging. This would make things a lot less complicated for consumers and retailers.” (Non health related NGO)

“The cost of rebranding and repackaging the product I import is a waste of time and very costly.” (Retailer)

“The tobacco carries the load for us but we are out of pocket to pay staff extra wages just to check the stock about \$400 per week.” (Retailer)

“The extra time necessary to put stock away and to select the right product for the consumer. Time is vital for the consumer and plain packaging takes this vital commodity away from them.” (Retailer)

“It takes longer to do everything with the product. Stoke [sic] take, serve, put away, check incoming orders, correcting mistakes of products being put in wrong slots.” (Retailer)

“Being unable to quickly identify the product the customer wants. Sometimes giving the customer the incorrect product. Plain packaging makes it harder to identify where the product is.” (Retailer)

“There is also the non-financial costs which are the frustrations of customers getting the wrong product and them having to come back, the returns of that product to the tobacco companies if the customer has walked off with the wrong product accidentally... opened them then come back then they have to return those product to the tobacco companies... it’s all time related.” (Retailer)

“It is the extra time at various points within the supply chain... It depends of the size of the stores... smaller stores obviously spend less time but some of the bigger stores could spend up to 2 hours in between serving people etc. – depending on store it’s a 3 or 4 time increase in terms of the time spent.” (Retailer)

“More generally, plain packaging has had a significant negative impact upon tobacco manufacturers, in particular by banning [sic] and others from using their property”(Tobacco company)

“It has been efficient for increasing the effectiveness of health warnings. My observation is based on execution of the regulation.”(Tobacco wholesaler and importer)

“Loss of \$35 million in revenue. Loss of 70 jobs...No benefit to our business” (Tobacco packaging manufacturer)

“We do not believe [sic] that the tobacco plain packaging measure has been effective or efficient in meeting its objectives.” (Tobacco packaging manufacturer)

“It appears that a great deal of time and money has been spent by government and other organisations on this measure. If that time and money were spent on programs and services for nicotine addicts, then desired outcomes may improve.”(Consumer)

“Useless increase in manufacturing costs which are passed on to the consumer.” (Consumer)

“Lack of consumer information and increased aggravation resulting from service delays.” (Consumer)

“Slows down customer service.” (Consumer)

2.2 The longer term objectives section 3(1) of the TPP Act

This section of the report presents:

- Stakeholder perceptions about whether the tobacco plain packaging measure, as part of broader effort, has contributed to improvements in the following aspects of public health:
 - discouraging people from taking up smoking or using tobacco products
 - encouraging people to give up smoking or to stop using tobacco products
 - discouraging people who have given up smoking, or who have stopped using tobacco products from relapsing
 - reducing people’s exposure to smoke from tobacco products; and
- Sources cited by stakeholders which support their views.

It also:

- Draws together the findings of stakeholder interviews and written submissions;
- Presents a high level summary of the views of stakeholders and does not seek to critique whether the statements or sources relied upon are accurate; and
- Presents verbatim comments from stakeholders who participated in the consultation process in order to illustrate the diversity of views.

Discouraging people from taking up smoking or using tobacco products (section 3(1)(a)(i) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, as part of broader effort, has discouraged people from taking up smoking. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 13 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 13. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has discouraged people from taking up smoking or using tobacco products, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	16/20	0/20	2/20	2/20
Government Departments (n=8)	7/8	0/8	0/8	1/8
Non-Government Organisations (n=14)	5/14	6/14	1/14	2/14

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	2/3	1/3	0/3	0/3
Tobacco Retailers (n=68)	5/68	52/68	7/68	4/68
Consumers (n=412)	18/412	338/412	29/412	27/412
Other (n=14)	1/14	12/14	1/14	0/14
Unspecified (n= 10)	1/10	8/10	0/10	1/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Discouraging young people from taking up smoking;
- Tobacco sales and consumption; and
- Reasons why people may be discouraged from taking up smoking.

Discouraging young people from taking up smoking

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s who gave a positive rating believe that tobacco plain packaging, as part of broader effort, has had some impact and it could be expected that it will have a significant impact, in the longer term, on discouraging people from taking up smoking. They noted that the early evidence for the effectiveness of tobacco plain packaging on intermediate objectives (i.e. the specific mechanisms under subsection 3(2) of the Act) provides confidence that the measure is working as intended. These stakeholders cited the following sources to support their view:

- Australian Institute of Health and Welfare (2014) National Drug Strategy Household Survey 2013, which was cited as showing that young people are delaying commencing smoking and the age at which young people report having smoked their first full cigarette has increased;
- Lin et al, 2013 and 2014, reports which were cited as showing that smokers felt the use of tobacco plain packaging will discourage young people from taking up smoking (pre-survey 42% and post-survey 47% in 2013 and 40% in 2014);
- Dunlop et al, 2015, a peer reviewed article, which was cited as showing that 16% of never-smokers said tobacco plain packaging made them less likely to smoke; and
- White et al, 2015b, a peer reviewed article, which was cited as showing that amongst adolescents, the new packs with enlarged GHWs and plain packaging created more uncertainty about whether there were differences between brands' addictive qualities and their ease of being smoked.

This group of stakeholders believe, based on evidence of the measure's positive influence on reduced appeal, increased effectiveness of health warnings and the reduced ability of tobacco

packaging to mislead consumers, that the measure (in addition to the comprehensive suite of tobacco control measures) will likely have an impact on the longer term public health objectives, such as discouraging people from taking up smoking. Many of these stakeholders therefore highlighted the need to monitor the uptake of tobacco by young people over the long term to determine whether the measure, through the achievement of intermediate objectives, has contributed to discouraging people from taking up smoking. As tobacco plain packaging is a long term measure, these stakeholders recognise that it was not intended nor expected to dramatically impact this or smoking incidence and prevalence in the short time period of two years that this review is considering.

One public health organisation stakeholder, one public health expert and one health-related NGO stakeholder indicated that they were 'unsure' whether the measure had had an impact on discouraging people from taking up smoking as they said it is too early to see whether the achievement of objectives such as reducing the appeal, increasing the effectiveness of health warnings and reducing the ability of tobacco products to mislead consumers, have had an impact on longer term objectives such as discouraging people from taking up smoking.

Two tobacco wholesalers and importers and the small number of retailers who provided a positive rating reported that the removal of branding elements has reduced the 'glamour' and 'attractiveness' of smoking, and has also had a negative effect on people's perceptions of smoking and smokers. It is for this reason, that they believe young people are likely to be discouraged from taking up smoking. Further to this, one retailer noted that because the measure makes GHWs more prominent this reinforces the risks associated with smoking and therefore may act as a deterrent to those who have not taken up smoking. These stakeholders did not cite any sources to support their view.

Tobacco company stakeholder/s, retailers, tobacco packaging manufacturers and non-health related NGO stakeholder/s who provided a negative or unsure rating commented on smoking incidence and prevalence, asserting that if there are no significant reductions in these figures since the introduction of tobacco plain packaging then the measure must not have been successful. These groups cited the following sources which they believe demonstrate that youth smoking has increased since the introduction of tobacco plain packaging:

- A 2015 report by SLG economics which included analysis of the Australian Institute of Health and Welfare (2014) National Drug Strategy Household Survey 2013 data which was cited as showing that the number of daily smokers aged 12 to 17 years increased by 36% between 2010 (from 2.5%) and 2013 (to 3.4%) to its highest level in 7 years; and the number of occasional smokers aged 12 to 17 years also increased from 1.3% to 1.6% over this period;
- A 2015 report by SLG economics which included analysis of Roy Morgan Research data was cited as showing that direct evidence of smoking prevalence in Australia pre and post the introduction of tobacco plain packaging does not find any statistically significant effect of tobacco plain packaging on reported usage by 14 to 17 years. In the same SLG report a May 2014 University of Zurich working paper by Kaul and Wolf was cited as reinforcing that tobacco plain packaging has had no impact on smoking by 14 to 17 year olds.
- Health Statistics NSW data from 2012 and 2013, which was referenced in a written submission and cited as showing that smoking prevalence amongst 16-24 year olds has also increased from 16.4% in 2012 to 17.8% in 2013; and
- Dono & Miller, 2014, a report which was cited as showing that smoking prevalence for 15-29 year olds increased from 17.6% in 2011 to 19.5% in 2013.

Some consumers and stakeholders from the ‘other and unspecified’ category who gave a negative response provided anecdotal evidence which suggests that they still see young people smoking and their smoking habits (and those of friends) have not changed as a result of the measure. They did not cite any sources to support their view.

Tobacco sales and consumption

Although not a direct indicator that tobacco plain packaging has had an impact on discouraging people from taking up smoking: public health advocates cited sources which they believe suggest that tobacco sales and consumption is at an all-time low; and the tobacco industry and retailers cited sources which they believe suggest that tobacco sales and consumption has remained steady and in some cases increased since the introduction of the measure.

Public health organisation stakeholder/s and government department stakeholder/s supported their views with the following sources:

- ABS data from 2014, which was referenced in a written submission and cited as showing that recent figures released by the ABS show that total consumption of tobacco and cigarettes in the March quarter 2014 is the lowest ever recorded, as measured by estimated expenditure on tobacco products: \$5.135 billion in September 1959; \$3.508 billion in December 2012; and \$3.405 billion in March 2014; and
- Commonwealth Treasury information, which was cited as showing that tobacco clearances (including excise and customs duty) fell by 3.4% in 2013 relative to 2012 when tobacco plain packaging was introduced. Clearances are an indicator of tobacco volumes in the Australian market.

The tobacco industry supported their views with the following sources:

- Non-public Aztec sales data, which was referenced in a written submission from a major industry body and cited as showing that there has been no overall decline in tobacco sales as a result of plain packaging. Some stores have even reported an increase in the volume of tobacco sold since plain packaging was introduced, albeit an increase in cheaper tobacco products (the sub-value and roll-your-own segments). Actual sales data from Aztec shows that the value of tobacco sales has increased since plain packaging, up 8.8% for the 12 months to January 2015;
- Davidson and de Silva, 2014, a peer reviewed article, which was cited as showing that there is no empirical evidence to support the notion that the tobacco plain packaging policy has resulted in lower household expenditure on tobacco than there otherwise would have been;
- Non-public Infoview Technologies data from 2014 which was referenced in a written submission and cited as showing that *legal* volumes of tobacco increased by the equivalent of 59 million sticks (or 0.3%) in the first 12 months following the implementation of plain packaging;
- Davidson, 2014, a peer reviewed article, which was cited as showing that the first full year of mandatory tobacco plain packaging actually resulted in an increase in expenditure;
- ABS data from 2014 which was referenced in a written submission and cited as showing that while there has been a decline in the volume of tobacco sales since the 1970s, data from the ABS reveal that this decline went into reverse the year after tobacco plain packaging was introduced, with the rise ending after an above inflation tax rise in December 2013;

- ABS data from 2014 which was referenced in a written submission and cited as showing that the rate of decline in cigarette and tobacco consumption value has not accelerated following the introduction of tobacco plain packaging, the rate of decline fell between 2012 and 2013, the period when tobacco plain packaging was introduced;
- ABS data from 2014 which was referenced in a written submission and cited as showing that the data shows there is no substantial decrease in tobacco consumption value in the year following tobacco plain packaging (i.e. 2013). Although there is a decline in 2014 relative to 2013, this correlates with the implementation of the excise increase in December 2013;
- ABS data from 2014 which was referenced in a written submission and cited as showing that the rate of decline of cigarette and tobacco consumption value relative to the previous year slowed from 2.5% in 2010 to 1.7% in 2013 (according to seasonally adjusted chain volume measure). The ABS data was also cited as showing that there was no evidence of a significant decline in tobacco expenditure in 2014 and that the rate of decline of tobacco expenditure slowed from 2.9% in 2010 to 0.9% in 2013;
- Scollo et al, 2015, peer reviewed article, which was cited as showing that consumption did not change in plain packaging year 1 among daily, regular or current smokers or among smokers of brands in any market segment. Only after the government increased tobacco excise taxes by 12.5% in December 2013 did consumption measured by the study begin to decline; and
- Euromonitor International tobacco market data, a report from 2014, which was cited as showing a continuation of around 3-4% decline every year from 2011 until 2014, and specifically shows 25% less decline in 2013 compared to 2012. It also marks a slower rate than from 2009-2010 and 2010-2011, which were 7% and 4% declines respectively).

Retailers who gave a negative rating indicated that their tobacco sales have remained the same and in some cases have increased. They did not cite any sources to support their view.

Reasons why people may be discouraged from taking up smoking

The tobacco industry, retailers, and consumers who provided a negative rating (and some positive ratings) believe that 'price' continues to be one of the major disincentives for people to start smoking, and given that tax excise increases have occurred within the same timeframes as the tobacco plain packaging measure, it is likely that this has been a far more effective measure to discourage people from taking up smoking than tobacco plain packaging. They did not cite any sources to support their view. Some stakeholders from the tobacco industry note that the increasing availability of cheaper tobacco products means people who originally would not have been able to afford to start smoking (e.g. teenagers) can now afford tobacco products. They did not cite any sources to support their view.

Further to this, many consumers believe that education (such as targeted education and campaigns about the health risks associated with smoking) is a more effective measure to discourage people (particularly young people) from taking up smoking. Social factors (such as peer pressure amongst young people) was also seen by consumers, industry representatives, 'others' and public health stakeholders as a potential factor which could influence the uptake of smoking. They did not cite any sources to support their view.

The small number of consumers and retailers who gave a positive rating reported that: the reduced 'attractiveness' of tobacco products and the more prominent health warnings (which increase awareness of the risks of smoking) may deter people from taking up smoking. Some consumers also said they had experience of speaking with young people who have been deterred from smoking as a result of unattractive tobacco packaging and increase awareness of the risks of smoking. These consumers did not cite any sources to support their view. The

remaining consumers who provided a positive rating did not provide a qualitative response or did not provide a relevant response.

Public health organisation stakeholder/s, government department stakeholder/s, health related NGO stakeholder/s and ‘others’ who gave a positive rating believe that because tobacco plain packaging has facilitated ongoing debate about the harms of smoking and therefore continues to keep the health risks associated with smoking at the forefront of people’s mind, this is likely to deter people from taking up smoking. These stakeholders did not cite any sources to support this view.

Those retailers and consumers who were ‘unsure’ whether the measure has had an impact said: they have not seen any data which suggests that tobacco plain packaging has discouraged people from taking up smoking; that they don’t know any people who have been discouraged from taking up smoking as a result of tobacco plain packaging and still see young people smoking; that the measure may discourage uptake or in fact may encourage young people to take up smoking as a rebellious act; they did not provide a qualitative response; or provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process. These stakeholders did not cite any sources to support their view.

Table 14 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 14. Examples of stakeholder views

<p><i>“I think that the studies show that, particularly among kids, the brand appeal is much, much lower; that’s got to have a flow-on effect [to uptake].” (Public health organisation/expert)</i></p> <p><i>“I think the evidence for that is a bit early to say... It’s really appeal at this stage and short-term. I don’t think you can say.” (Public health organisation/expert)</i></p> <p><i>“It definitely has an impact in discouraging youth from taking up smoking but there are definitely other things that impact on youth taking up smoking- things like peer pressures that tobacco plain packaging can’t have an impact on. It has to be a part of tobacco control measure overall. It’s only one aspect.” (Public health organisation/expert)</i></p> <p><i>“I just had a look at the recent data for smoking rates including that of young people and certainly the rates are coming down in a positive way so, we can’t attribute exactly to what percentage of the fall in smoking rates is due to tobacco plain packaging but you would expect that it [plain packaging] was a significant contributor... we have had prices change as well so that is certainly a contributor too...”(Public health organisation/expert)</i></p> <p><i>“The tobacco industry aim in this debate is to assume that tobacco plain packaging is a proximal variable of which one could ask...’well one month after implementation how many people have quit smoking, or how many people have not taken up smoking’ so they are asking in the same way that a pharmaceutical manufacture would have evidence about how many peoples pain reduced after taking a certain tablet etc. – they are doing this on purpose as they understand that the phenomenon of not taking up smoking and quitting is not a sudden thing. It’s something that takes time... its cumulative and synergistic... it all works together.” (Public health organisation/expert)</i></p> <p><i>“It adds to the total contribution of de-normalising tobacco but we know that the price is the most effective and campaigns and advertisements is the second most effective. Tobacco plain packaging is down the line. It adds to the total comprehensive strategy.”(Government department stakeholder)</i></p> <p><i>“I think the evidence is quite unclear – perhaps it’s too early or difficult to isolate the factors or contribution.....It is... really was my understanding that this the main objective of tobacco plain packaging [the effect of tobacco plain packaging on new smokers]. They did not expect that it would have a huge impact on current smokers, but the impact would be on the uptake of young smokers.”(Health related NGO)</i></p> <p><i>“certainly it hasn’t deterred current users and you know... the youth of today, it’s a generational thing it takes a while for things to kick in, take a while for things to change over time.” (Retailer)</i></p>
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“My weekly cigarette orders have increased not decreased.” (Retailer)

“The experience from our members is that their sales, even though it is more inconvenient and costly for them to execute a transaction, is that their sale volumes have not dipped at all so it has not been effective. We thought the sales would drop. But they have not dropped.” (Retailer)

“Taking up smoking is not driven by the packaging, other factors such as peer group pressure, high profile public figures who smoke (e.g. actors, characters in movies) lead people to taking up smoking, not the packet.” (Retailer)

“By the time the user has got to the point of acquiring a packet they have already decided to be a smoker or try smoking. The packaging is not where the focus point needs to be. If discouragement is the aim then it needs to be at the advertising point, not at the end product.” (Retailer)

“no one starts smoking because a packet looks cool new 18 year olds are still starting” (Retailer)

“If they haven't started smoking it may deter them. But if they are already smokers the packaging doesn't phase them” (Retailer)

“The most success here. Glamour has gone out of the packaging. Very hard for a particular group (of people) to identify with a particular type of cigarettes without the branding. The legislation has been most effective with regards to Q10.” (Tobacco wholesaler and importer)

“The packaging itself had nothing to do with enticing people to smoke..” (Consumer)

“It's possible that it could discourage people from smoking, but it's also possible it could encourage people to move to a cheaper brand as there is no brand awareness and therefore no loyalty.” (Consumer)

“Maybe it has discouraged people from taking up. Little effect on existing smokers though.” (Consumer)

Encouraging people to give up smoking and to stop using tobacco products (section (3)(1)(a)(ii) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, as part of a broader effort, has encouraged people to give up smoking and to stop using tobacco products. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 15 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 15. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has encouraged people to give up smoking and to stop using tobacco products, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	15/20	0/20	1/20	4/20
Government Departments (n=8)	8/8	0/8	0/8	0/8
Non-Government Organisations (n=14)	5/14	6/14	1/14	2/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	1/3	2/3	0/3	0/3
Tobacco Retailers (n=68)	4/68	55/68	5/68	4/68
Consumers (n=412)	9/412	365/412	11/412	27/412
Other (n=14)	1/14	11/14	2/14	0/14
Unspecified (n= 10)	1/10	8/10	0/10	1/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Encouraging people to give up smoking; and
- Reasons why people give up smoking.

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Encouraging people to give up smoking

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s that provided a positive rating believe that the tobacco plain packaging measure, as part of a comprehensive approach to tobacco control, has had some and may, in the longer term, have a substantial impact on encouraging people to stop smoking. As described above in Section 2.1 of this report, this group of stakeholders believe, based on evidence of the measure's positive impact on intermediate objectives such as reduced appeal, increased effectiveness of health warnings and the reduced ability of packaging to mislead consumers, means that the measure is likely to have an impact on longer-term objectives such as encouraging people to give up smoking. These stakeholders cited the following peer reviewed sources which they believe suggest that:

- Wakefield et al, 2013, a peer reviewed article, which was cited as showing that compared with branded pack smokers, those smoking from plain packs perceived their cigarettes as less satisfying and were more likely to have thought about quitting at least once a day in the past week and to rate quitting as a higher priority in their lives;
- Young et al, 2014, a peer reviewed article, which was cited as showing that there was a 78% increase in the number of calls to the smoking cessation helpline Quitline (NSW) associated with the introduction of plain packaging. The sustained increase in calls to the Quitline was not attributable to anti-tobacco advertising activity, cigarette price increases nor other identifiable causes;
- Durkin et al, 2015, a peer reviewed article, which was cited as showing that changes in smokers' thoughts and behaviours after plain packaging was introduced show that plain packaging encouraged quitting through increased quitting related thoughts and behaviours;
- Brennan et al, 2015, a peer reviewed article, which was cited as showing that tobacco plain packaging with larger GHWs positively and significantly predicted the likelihood that smokers at follow-up reported thinking about quitting at least daily, intending to quit, having a firm date to quit, stubbing out cigarettes prematurely, stopping oneself from smoking and having attempted to quit; and
- Miller et al, a 2015, peer reviewed article, which was cited as showing that smokers of non-premium cigarillos reported that they had increased thoughts about quitting and cigar smokers reported reduced consumption of cigars.

One tobacco wholesaler and importer who provided a positive rating based their response on anecdotal evidence which suggests that tobacco plain packaging has encouraged some people to give up smoking. The small number of retailers and consumers who reported that the measure had 'some' impact either said: that the more salient health warnings convey the dangers of smoking and are therefore likely to encourage people to give up; tobacco plain packaging, price rises and other tobacco measures have worked together to encourage people to give up smoking; or they have known people who have given up smoking as a result of tobacco plain packaging and more prominent health warnings. They did not cite any sources to support their view.

Most stakeholders from the tobacco industry cited sources which they believe suggest that the measure has not been successful. Tobacco industry stakeholders referred to the following sources:

- A 2015 report by SLG economics which included analysis of the NSW Cancer Institute Tobacco Tracking Survey data which was cited as showing that the proportion of smokers surveyed who smoked on a daily or occasional basis actually increased after the introduction of tobacco plain packaging. The report was also cited as showing that for

both smokers and ex-smokers it was perceived as more difficult to quit after the introduction of tobacco plain packaging than before it;

- Non-public Roy Morgan research from 2012, referenced in a written submission and cited as showing that the smoking rate (adult 18+) decline for 2013 actually slowed to 1.4% (this occurred with tobacco plain packaging and before the first 12.5% *ad hoc* excise increase) which is more than half of the trend decline seen previously;
- Dono & Miller, 2014, a report, which was cited as showing that smoking prevalence for all smoking adults (aged 15+) in South Australia increased from 17.6% to 19.4% between 2011 and 2013 and from 16.7% to 19.4% between 2012 and 2013;
- Scollo et al, 2014, a peer reviewed article, which was cited as showing that smoking prevalence may actually have gone up between 2012 and 2013 in Victoria from 14.7% to 15.0%;
- A Queensland Health report published in 2014 which was cited as showing that smoking prevalence- in Queensland went from 14.3% to 15.8%;
- Radomiljac and Joyce, 2014, a government report which was cited as showing that in WA smoking prevalence went from 12.7% to 13%;
- Europe Economics, a 2015 report, which was cited as showing that tobacco plain packaging has had no statistically significant impact upon Australia's pre-existing decline in tobacco consumption and prevalence and in some cases reports suggest that consumption may have risen, relative to previous trends (where controlled for), following the introduction of tobacco plain packaging; and
- Kaul and Wolf, June 2014, a working paper, which was cited as showing that there was no long term deviation in Australia's long-term decline in smoking rates as a result of tobacco plain packaging.

The tobacco industry also cited Young et al, 2014 a peer reviewed article (also cited above by public health advocates) which was cited as showing that the increased number of calls to the NSW Quitline four weeks after the introduction of tobacco plain packaging were not sustained and also Durkin et al, 2015 a peer reviewed article that was cited as showing that the short-term changes in smokers quit intentions were no different after the full implementation of the measure than in the pre-tobacco plain packaging phase. Further, tobacco company stakeholder/s and retailers believe that the number of people choosing to give up smoking has been steadily increasing before the introduction of tobacco plain packaging and possibly due to other tobacco control measures such as price increases and educational campaigns designed to inform the community about the health risks of smoking. Public health organisation and expert stakeholder/s and government department stakeholder/s were clear that they did not expect tobacco plain packaging, even alongside broader tobacco control efforts, to have a substantial impact in the first and second year on encouraging people to quit smoking and noted that more time will be required to see a measurable impact on outcomes such as a fall in smoking prevalence. Some of these stakeholders did, however, refer to the National Drug Strategy Household Survey 2013, which was cited as showing that the prevalence of smoking in Australia fell dramatically between 2010 and 2013 by greater than 15% (AIHW, 2014) which, according to Chapman and Freeman (cited in a 2014, peer reviewed article) is likely to be attributable to the net and cumulative effects of a range of tobacco control policies over time including tobacco plain packaging.

Both the tobacco industry and public health organisation and expert stakeholder/s believe that given the range of factors at play which could impact smoking prevalence, it is very difficult to isolate the unique contribution that the tobacco plain packaging measure could have made

to any observed decreases in smoking rates. They did not cite any sources to support their view.

Reasons why people give up smoking

All groups (who provided, positive, negative and unsure ratings), and in particular consumers, were mindful of, and believe that, there are a range of reasons why people are encouraged to give up smoking or stop using tobacco products. These include:

- Price: price is considered to be a major factor which can encourage a person to give up smoking;
- Health: the negative effects of smoking are well known, and the desire to improve one's health is a key driver to give up smoking;
- Family and friends: a person's decision to stop smoking can be heavily influenced by pressure from family and friends;
- Other tobacco control measures: many stakeholders, particularly consumers, noted that educational campaigns highlighting the risks of smoking, and the creation of smoke-free environments, are some of the most effective mechanisms which encourage people to give up smoking; and
- Ongoing public debate: tobacco plain packaging has generated substantial media and public attention, and may have increased awareness of, and/or reiterated the potential health risks associated with smoking and therefore encouraged some people to give up smoking.

These stakeholders did not cite any sources to support these views.

Public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s believe that tobacco plain packaging, in addition to other tobacco control measures and the reasons for quitting listed above, work together to assist people to stop smoking.

In contrast, most of the tobacco industry and most consumers who participated in consultations believe that tobacco packaging plays very little, if any, role in a person's decision to stop using tobacco products. They did not cite any sources to support their view.

Those public health organisation stakeholder/s, health related NGO stakeholder/s and some retailers who were 'unsure' whether the measure had an impact as they had not seen clear evidence which links tobacco plain packaging to people giving up smoking, that is, an absence of evidence rather than the presence of evidence that suggests there has been no impact.

Table 16 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 16. Examples of stakeholder views

“The impact on prevalence is likely to be so small that you'd have to survey a million people to pick it up, particularly within any short period of time.” (Public health organisation/expert)

“We are not going to have the luxury of seeing the huge quit rates that we may have seen 20 years ago. This is the last, end game around tobacco control. We recognise that those people may have different influences on their reasons for smoking, and we recognise that they may need extra support to quit, so we will welcome with open arms any indication that quit rates are going up.” (Public health organisation/expert)

“Some people would have been discouraged by it because they didn't want to have those packets anymore but at the end of the day it is an addiction which goes a bit further than what the packet looks like.” (Public health organisation/expert)

“It’s very clear in the aim of the Act. it wasn’t to decrease the prevalence of people taking up smoking or using tobacco by itself. It’s very hard to measure that. As part of the broader effort, the policy has a big impact on discouraging people from taking up or using tobacco product, indicated by the marked decrease in the rate of prevalence (12.8%) of smoking. The prevalence is expected to drop. You have to calculate prevalence over the long time-frame, instead of across a short time period. Over the last 2 years post implementation of standardised packaging, we can see that there is a consistent an ongoing trend in the decrease in the prevalence.” (Public health organisation/expert)

“I very much go along with what Nicola Roxon said on the day she announced it which was this is mainly about preventing uptake. It was mainly about trying to discourage young people into the future from not taking up smoking. I have always thought that a cessation effect would have been a bonus... not a collateral bonus. – Somewhat for cessation but great extent for prevention.” (Public health organisation/expert)

“There is evidence of some increase in smokers seeking assistance to quit following tobacco plain packaging commencement. However the impact of tobacco plain packaging on quit behaviour cannot be separated from the broader context of smoke-free places legislation, price increases, quit programs and social marketing campaigns.” (Government department stakeholder)

“When used in combination definitely. Reducing the prevalence of smoking in Australia by increasing quitting and preventing uptake.” (Government department stakeholder)

“I have never had a customer say that because of the packaging they have decided to quit. Any customers who may have indicated they are considering quitting have done so as a general awareness that has come about from health advertising on television etc; not on the packet itself.” (Retailer)

“Consumers are more worried about the price of the tobacco products than the packaging they come in.” (Retailer)

“Tobacco plain packaging doesn’t really promote people to stop smoking... education might do just because there is no brand on the product doesn’t mean they will change their behaviour.” (Retailer)

“Of much more relevance is the analysis of actual tobacco sales data, which shows continual value growth in the tobacco category driven by a significant shift in purchasing habits to cheaper products, as well as the illicit tobacco market, which has reached unprecedented heights in Australia.” (Retailer)

“People will quit if they really want too[sic]; no packaging effect will make them....” (Consumer)

“...giving up is triggered by many issues, financial, health and/or acceptability not by packaging.” (Consumer)

“Supporters of tobacco plain packaging believe that tobacco plain packaging has reduced smoking rates but they are incorrect. The substantial drop in smoking rates since the introduction of tobacco plain packaging is primarily due to the enormous price increases introduced at the same time.” (Consumer)

“Using tobacco plain packaging has no effect on people stopping smoking. You either want to quit or you don’t it doesn’t matter what the packet looks like.” (Consumer)

Discouraging people who have given up smoking, or who have stopped using tobacco products from relapsing (section 3(1)(a)(iii) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, as part of a broader effort, has discouraged people who have given up smoking, or who have stopped using tobacco products from relapsing. The limitations of this data are discussed at Section 1.3 of this report.

Quantitative ratings

Table 17 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 17. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has discouraged ex-smokers/tobacco users from relapsing, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ⁷
Public Health Organisations/Experts (n=20)	12/20	0/20	4/20	4/20
Government Departments (n=8)	6/8	0/8	2/8	0/8
Non-Government Organisations (n=14)	5/14	5/14	1/14	3/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	0/3	3/3	0/3	0/3
Tobacco Retailers (n=68)	1/68	56/68	8/68	3/68
Consumers (n=412)	15/412	334/412	34/412	29/412
Other (n=14)	1/14	10/14	2/14	1/14
Unspecified (n= 10)	0/10	7/10	1/10	2/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Reducing environmental cues to smoke; and
- Discouraging people from relapsing.

⁷ Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Reducing environmental cues to smoke

Public health organisation and expert stakeholder/s (including those who work in smoking cessation), government department stakeholder/s, health related NGO stakeholder/s and a small number of consumers who provided a positive rating believe that the removal of branding elements from tobacco packaging has potentially taken away one of the environmental cues to smoke and as such may be an effective way to discourage ex-smokers from relapsing. This group of stakeholders also believe that other tobacco control measures, like retail display bans and reducing designated outdoor smoking areas in pubs and clubs, are keeping smokers further away from current non-smokers, and are therefore reducing potential triggers and environmental/social cues to smoke. Again, these stakeholders acknowledged that tobacco plain packaging is an important measure among a range of strategies (such as restrictions on tobacco sales, promotion and advertising and smoking cessation support services) which are designed to encourage people to stop smoking and to discourage people who have given up smoking from relapsing. These stakeholders did not cite any sources to support their view.

Discouraging people from relapsing

Some public health organisation stakeholder/s and government department stakeholder/s referred to the following evidence which suggests that ex-smokers who actively use tobacco packaging to discourage relapse are less likely to relapse. These include:

- Partos et al, 2013, a peer reviewed article, which was cited as showing that in the first longitudinal evidence that health warnings can help ex-smokers not to relapse. While this study related to health warnings and relapse, public health advocates argue that because tobacco plain packaging reduces the appeal of tobacco packaging and increases the salience of health warnings, together this may work to help discourage relapse); and
- Dunlop et al, 2015, unpublished study accepted as an abstract for the Behavioural Research in Cancer Control Conference, which was cited as showing that 18% of ex-smokers said that tobacco plain packaging made them less likely to smoke.

Consistent with these findings, public health advocates, consumers and one stakeholder from the 'other' category who provided a positive rating cited instances where people they know have used tobacco plain packaging as a tool to help reinforce or validate their decision to give up smoking. They recognised that tobacco plain packaging and GHWs work together to reinforce the negative health effects of smoking to ex-smokers.

One retailer who provided a positive rating believes that the measure has had a significant impact on discouraging people from relapsing, reporting that the more salient health warnings convey the dangers of smoking and therefore may act as a deterrent for ex-smokers. Four stakeholders from public health organisations, two state government representatives, one health related NGO and some retailers gave quantitative ratings of 'unsure' as they believe: there is currently no evidence or data to suggest that tobacco plain packaging has had an impact on relapse; other tobacco control measures have had more impact on discouraging people who have stopped smoking from relapsing – although some did suggest that tobacco plain packaging as part of a comprehensive suite of tobacco control measure may have an impact on relapse. These stakeholders did not cite any sources to support their view.

A tobacco packaging manufacturer indicated they were 'unsure' due to lack of available data/evidence that shows this finding. Those consumers who were unsure whether the measure has had an impact on discouraging relapse either did not provide an explanation or provided a qualitative response which indicated that they: were not aware of any ex-smokers who had used tobacco plain packaging as a tool to avoid relapse; were not aware of any

studies or data which suggest that the measure has had an impact on discouraging relapse; or thought there were more significant factors which would ex-smokers from relapsing than tobacco plain packaging. One consumer who was unsure said that this is potentially the area where tobacco plain packaging has worked most successfully. These stakeholders did not cite any sources to support their view.

Tobacco wholesalers and importers, tobacco packaging manufacturers, retailers, consumers and stakeholders from the 'other and unspecified' category who provided negative or unsure ratings reported that they do not believe that tobacco packaging plays a role in discouraging people from relapsing. Instead they noted that they believe relapse occurs for a number of reasons including stress, and other triggers such as being around others who smoke. Further to this, some of these groups reported that they believe there is no evidence that shows an impact of tobacco plain packaging on relapse. These stakeholders did not cite any sources to support their view.

Most stakeholders who participated in the consultation process from public health organisations, government departments, health and non-health related NGOs, tobacco companies and some retailers believe that there is limited data available at this early stage of what is designed to be a long term measure to demonstrate that tobacco plain packaging has discouraged people who have given up smoking from relapsing. Public health advocates believe that longer-term investigation of the impact of the legislation should be undertaken, and should include assessment of more direct measures including prevention of relapse among ex-smokers. They also recommended looking at variations in impacts on different groups in the Australian population and at the ongoing impact on relapse of factors such as brand recognition, awareness of the health risks of smoking, and the social acceptability of smoking.

Tobacco company stakeholder/s and non-health related NGO stakeholder/s believe that there is currently no data available which demonstrates a change in smoking prevalence and therefore that fewer Australians have decided to re-start smoking. Therefore, they believe it is not possible to assess whether the tobacco plain packaging measure has discouraged ex-smokers from relapsing.

Table 18 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 18. Examples of stakeholder views

“Based on the responses being given by patients during the process of smoking cessation, the absence of the cue/trigger to smoke that a branded packet represents - it is more than likely also going to assist in preventing a relapse when nothing but plain packets in the community setting are ever seen.” (Public health organisation/expert)

“I think to a great extent, but in combination with a range of other measures. You see policy changes, like retail display bans in Queensland and cracking down on designated outdoor smoking areas in pubs and clubs, which is keeping smokers further away from non-smokers, because those areas tend to be trigger points for social smoking (being around smokers when you're out at night). The evidence suggests that yes, this is an important measure among a range of strategies that have been very effective.” (Public health organisation/expert)

“From an aid to cessation perspective and anecdotally, numerous patients that I have supported in their smoking cessation journey have reported a significantly reduced affinity for their 'packet of cigarettes'. While the patients seen are usually more nicotine dependent...and using a pharmacotherapy to aid cessation, they report fewer cravings from seeing or handling their packet of cigarettes than on previous quit attempts.” (Public health organisation/expert)

“Out of sight legislation at a state level and restricting public smoking initiatives would probably add impact to relapse but it does contribute as part of the whole.” (Government department stakeholder)

“You can argue from the broader effort it may have contributed but you would need to see some evidence that it has actually done so or it is leading people to that conclusion.” (Government department stakeholder)

“I believe people relapse because at the end of the day it is an addiction which, like all addictions, can be difficult to refrain from. It requires will power. Stress and other factors are perhaps the reasons why people relapse.”(Retailer)

“Overall, I believe the effectiveness has been in reducing the environmental cue to smoke that a shiny, branded packet of cigarettes has on a smoker who has usually for many years identified the logo and brand as their own and their friend.” (Retailer)

“By ensuring the health warnings so blatantly displayed has helped convey the dangers. However price appears to be bigger deterrent.” (Retailer)

“People who have tried to stop smoking unsuccessfully typically have other issues going on in their life. Product factors (i.e., price, packaging) will have little effect on whether they will smoke or not.”(Tobacco wholesaler and importer)

“It's the smell and the triggers, the stresses and the need (the addiction) that cause relapses. Not colours on packets!”(Consumer)

“Packaging was never part of the reason for giving-up originally. It has no effect on the decision to resume.” (Consumer)

“Obviously, the tobacco plain packaging reinforces people’s decision to give up but this does not necessarily translate to the reason for giving up.” (Consumer)

“As an ex-smoker, I know of the allure of the packaging, now it has gone, and health warnings are very graphic, temptation is very much reduced.” (Consumer)

Reducing people’s exposure to smoke from tobacco products (section 3(1)(a)(iv) of the TPP Act)

Stakeholders were asked to provide ratings and qualitative comment on the extent to which they thought that the tobacco plain packaging measure, as part of broader effort, has reduced people’s exposure to smoke from tobacco products. The limitations of this data are discussed at Section 1.3 of this report

Quantitative ratings

Table 19 presents positive, negative and unsure ratings (and no response) by stakeholder category for those stakeholders who participated in the consultation process using the consultation protocol only. This allows the reader to identify the stakeholder groups who gave each type of rating and the distribution of ratings across stakeholder groups.

Table 19. Frequency of types of quantitative ratings by stakeholders regarding whether the tobacco plain packaging measure has reduced people’s exposure to tobacco smoke, grouped by stakeholder category (for those stakeholders who participated in the consultation process using the consultation protocol only)

Stakeholder group	Positive result (to a great extent/ somewhat)	Negative result (not at all/ very little)	Unsure	No Response Provided ^[1]
Public Health Organisations/Experts (n=20)	12/20	0/20	5/20	3/20
Government Departments (n=8)	5/8	0/8	3/8	0/8
Non-Government Organisations (n=14)	4/14	6/14	2/14	2/14
Tobacco Companies (n=3)	0/3	2/3	0/3	1/3
Tobacco Wholesalers/ Importers (n=3)	0/3	3/3	0/3	0/3
Tobacco Retailers (n=68)	5/68	54/68	5/68	4/68
Consumers (n=412)	20/412	348/412	18/412	26/412
Other (n=14)	0/14	10/14	4/14	0/14
Unspecified (n= 10)	1/10	7/10	0/10	2/10

Qualitative responses

Qualitative responses (those that aligned with the consultation protocol and those that did not align with the consultation protocol) from all organisations and individual stakeholders were analysed and then presented below according to themes. These themes include:

- Smoke-free environment legislation
- Changes in social norms around smoking; and
- Exposure to smoke.

^[1] Those stakeholders who did not provide a quantitative rating have been included in the denominator as some did go on to provide qualitative responses.

Smoke-free environment legislation

Stakeholders across all groups (tobacco companies, retailers, tobacco wholesalers and importers, tobacco packaging manufacturers, public health organisations and experts, government departments, all NGOs, consumers, others and unspecified) who provided positive, negative and unsure ratings believe that smoke-free environment legislation has had the greatest impact on reducing people's exposure to smoke from tobacco products. They did not cite any sources to support their view.

Changes in social norms around smoking

Given that tobacco plain packaging has reinforced the harmful effects of smoking, most public health organisations and experts and a small number of retailers believe that smokers are more aware of the impact of their smoking on others. As a result, these stakeholders suggest that smokers are more conscious about where they smoke (i.e. their proximity to others), and non-smokers are more assertive about people smoking near them. Some retailers and many consumers believe that tobacco plain packaging has contributed to the segregation of smokers from non-smokers and increased the stigmatisation of smokers. These stakeholders did not cite any sources to support these views.

Zacher et al, 2014, 2015 and Wakefield, 2014 were peer reviewed sources which were cited by public health organisation and expert stakeholder/s, and government department stakeholder/s as showing that tobacco plain packaging may have had an impact on personal pack display and active smoking outdoors (e.g. on café strips and around children). For example, they referred to a number of peer reviewed articles by Zacher et al, 2014 and 2015 which were cited as showing that after the introduction of tobacco plain packaging there was a significant decline in active smoking in outdoor areas, particularly in venues where children were present and an accompanying decrease in personal pack display. Further, they referred to an observational study conducted by Wakefield et al, 2014 (peer reviewed article), after the introduction of the measure which suggests that packs were displayed less often in venues where children were present, suggesting a greater tendency not to smoke around children. Stakeholders also note that these studies: are clear that it was not possible to determine if the reduction in smoking was a direct effect of the tobacco plain packaging legislation or the result of decreased prevalence of smoking overall; the changing of social norms; that it is conceivable that smokers also chose to light up less often in public to avoid being judged by those who saw them with plain packs or to avoid feeling uncomfortable about smoking. Some public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s also referred to the National Drug Strategy Household Survey 2013, (AIHW, 2014) which was cited as showing that in 2013, dependent children were far less likely to be exposed to tobacco smoke inside the home (3.7% in 2013 compared to 31% in 1995).

Exposure to smoke

Most public health organisation and expert stakeholder/s, government department stakeholder/s, health related NGO stakeholder/s and some retailers who provided a positive rating believe that tobacco plain packaging may indirectly impact people's exposure to smoke, in so far as it reduces the total number of people who smoke. Public health advocates recognised that, due to the implementation of tobacco plain packaging along with a broad range of other tobacco control measures, it is difficult to determine the unique contribution of tobacco plain packaging on exposure to smoke. These stakeholders did note that it was intended that all tobacco control measures work together to reduce the number of people

smoking and therefore reduce peoples' exposure to smoke. These stakeholders did not cite any sources to support these views.

In contrast, the remaining retailers and non-health related NGO stakeholder/s who provided negative ratings believe that the same number of people (or more) are smoking, and therefore people's exposure to smoke has not changed. Tobacco company stakeholder/s and tobacco wholesalers and importers did not make any specific comments about the overall number of people smoking and how this may impact people's exposure to smoke or cite any sources to support their view.

Those public health organisation and expert stakeholder/s, government department stakeholder/s and health related NGO stakeholder/s who were unsure whether tobacco plain packaging had an impact on reducing exposure to smoke reported that: they were not aware of any evidence and noted it would be very difficult to determine whether the measure had a direct impact on exposure to smoke.

The small number of retailers and consumers who were 'unsure' whether the measure has had an impact either noted that: smoking had been declining anyway so it would be difficult to determine whether tobacco plain packaging had an impact on exposure to smoke from tobacco products; reported that smoking bans and other tobacco control measures banning smoking have had the greatest impact on relapse; did not provide a qualitative response to explain their rating; provided a response which did not relate to the objective or that was not relevant to any questions asked as part of the consultation process. These stakeholders did not cite any sources to support their view.

Table 20 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 20. Examples of stakeholder views

“Reductions in smoking behaviours, including through less people taking it up, more smokers quitting or smokers reducing the amount of tobacco they consume when near others will logically result in reduced exposure to second-hand smoke (SHS) to those who are in their vicinity. In addition, as social norms have changed, remaining smokers have been far more aware of the impact their smoking has on others and have taken measures to smoke outside and to remove themselves from close proximity to others when consuming tobacco. Legislative measures such as the introduction of tobacco plain packaging and increased that reduces when and where people smoke or further changes social norms will also have a flow on effect of reducing exposure to SHS.” (Public health organisation/expert)

“We found that smoking is more stigmatised....smoking becomes less of a public activity. People are less exposed to smoking, and it has become a less acceptable public activity.” (Public health organisation/expert)

“I think tobacco plain packaging reduces the number of people smoking and the uptake and so there is less people smoking and therefore fewer people are going to be exposed to tobacco smoke.” (Public health organisation/expert)

“We take complaints through on our helpline from people living in multi-unit dwellings that are incensed that they might have a neighbour smoking, with the smoke blowing into their lot. Not only have we been overwhelmed by complains but so has the government, which has prompted a review by our Attorney-General with regards to laws with the body corporate/community. It's demonising smoking.” (Public health organisation/expert)

“If there are less people smoking then there will be less exposure, but I don't think the tobacco plain packaging measure, per se, makes a difference to that.” (Public health organisation/expert)

“It only reduces exposure as far as it reduces demand of smoking. It's only so far as people stop smoking that they aren't exposing other people.” (Government department stakeholder)

“It (plain packaging) may not be a prime mover in that space but it certainly would have an effect and from our point of view it would be a positive effect towards reducing exposure.” (Government department stakeholder)

“[plain packaging] has a role to play in reducing exposure- but this is very much within the broader context of tobacco control action to create supportive smoke-free environments.” (Government department stakeholder)

“While [X tobacco company] supports regulation of smoking in many public places, [X tobacco company] does not accept that changing the packaging of tobacco products has been shown to change where people smoke or otherwise had a (relevant) impact regarding environmental tobacco smoke.” (Tobacco company)

“People's exposure to smoke has been reduced from laws not permitting smoking in the workplace, restaurants, bars, etc, not from plain packaging.”(Retailer)

“We can only comment from a retail perspective, in terms of actual sales data and the logistical impact of tobacco plain packaging on retailers. Nevertheless it stands to reason that with no proven or noticeable change in the way tobacco is used by consumers, there would be no to little impact on people's exposure to smoke.” (Retailer)

“A bit of a stretch to think this. Legislation targeting smoking areas is largely more effective.” (Retailer)

“The thing that has had a bigger impact is the minimisation of places where you can smoke - this has had effect not the plain packaging.” (Tobacco wholesaler and importer)

“I don't think it's relevant. Second-hand smoke has nothing to do with what the packaging looks like.” (Tobacco wholesaler and importer)

“The broader smoke-free measures, banning smoking in public places and discouraging people from smoking near children have been most effective in reducing people's exposure to smoke.”(Health related NGO)

“Given that household expenditure on tobacco has not declined, it is reasonable to assume that the exposure to others from tobacco products may also not have been reduced as a result of the introduction of plain packaging.” (Non health related NGO)

“I have ways been courteous to non-smokers by respecting their space when smoking. The packaging has not created this, my respect of others has.”(Consumer)

“Banning smoking everywhere has reduced exposure to passive smoke, not the packaging!” (Consumer)

“Tobacco plain packaging is irrelevant to smokers. Social disapproval has discouraged smokers from smoking around non-smokers, but tobacco plain packaging does not affect this.” (Consumer)

2.3 Stakeholder opinions on the positive and negative impacts of the tobacco plain packaging measure on themselves and other groups

This section of the report presents:

- Stakeholder perceptions about the impact of the tobacco plain packaging measure on themselves and/or on the organisation they were representing, and indicates whether they believed the measure has had any positive and/or negative impacts at the economic, social, and environmental levels; and
- Stakeholder perceptions about the major costs and benefits of the tobacco plain packaging measure.

It also:

- Draws together a summary of findings of stakeholder interviews and written submissions (refer to Table 21);
- Presents a high level summary of the views of stakeholders and does not seek to critique whether the statements are accurate; and
- Presents verbatim comments from stakeholders who participated in the consultation process in order to illustrate the diversity of views.

Caution when interpreting qualitative responses

It is important to note that:

- Stakeholder input is a mix of presentation of evidence, organisational or sectoral stances and personal views;
- The personal views put forward by members of the general public who responded to the call for written submissions should not be seen as representative of the Australian population as a whole;
- Stakeholders not only commented on the positive and negative impacts for the stakeholder group they represented, but also commented on impacts for other stakeholder groups (e.g. Tobacco companies commented on potential negative impacts/costs for government, and government commented on potential negative impacts/costs for the tobacco industry). For this reason some of the opinions expressed below may not be accurate; and
- Tobacco companies did not identify any positive impacts of the measure at any of the levels.

Table 21. Stakeholder opinions on the positive and negative impacts of the measure

	Positive impacts (benefits)	Negative impacts (costs)
Economic impacts	<p>For the Australian economy</p> <ul style="list-style-type: none"> • productivity has increased as employees are taking fewer sick days as a result of reduced smoking-related illness • people are spending less of their money on tobacco products and therefore have more disposable income to support the economy in other areas 	<p>For the Australian economy</p> <ul style="list-style-type: none"> • tobacco companies have stopped manufacturing in Australia therefore taking profits overseas <p>For government</p> <ul style="list-style-type: none"> • time, effort and cost involved in drafting and approving tobacco plain packaging legalisation, introducing tobacco plain packaging laws and enforcement of the laws • time spent countering misrepresentation from

	Positive impacts (benefits)	Negative impacts (costs)
	<ul style="list-style-type: none"> • international students may wish to come to Australia to study public health • A decline in tobacco related illness would contribute to containment of costs in health for Australia. <p>For government</p> <ul style="list-style-type: none"> • tobacco plain packaging is accelerating the impact of Australia’s existing investment in tobacco control and therefore the decline in smoking prevalence <p>For the Australian health system</p> <ul style="list-style-type: none"> • a decline in smoking prevalence has and will continue to reduce the economic burden associated with smoking-related illness/disease on the health system (lower rates of hospitalisation, less chronic disease, improved surgical outcomes including recovery times, reduction in mortality and morbidity) <p>For tobacco wholesalers and importers</p> <ul style="list-style-type: none"> • there has been a shift in the market towards value brands which has increased the competitive advantage for value wholesalers and importers (i.e. the power and profitability of larger tobacco companies has been reduced) • additional labour requirements has created new job opportunities <p>For retailers</p> <ul style="list-style-type: none"> • while initially considered burdensome, the time taken by retailers across various steps of the supply chain, including stocktake, customer service, checking incoming orders, putting away stock and correcting mistakes is no longer an issue for some retailers (i.e. things have gone back to normal) • there has not been a switch in people buying tobacco products from small to larger retailers <p>For consumers</p>	<p>the tobacco industry, sometimes to the media or anti-tobacco lobbying groups</p> <ul style="list-style-type: none"> • costs associated with defending the legislation in the face of industry challenges under international trade treaties • time spent assisting colleagues in other countries with information to progress tobacco plain packaging laws • the shift towards lower-priced brands has led to a reduction in tobacco excise • a loss of excise revenue due to the growth in the illicit tobacco market • an increased workload due to increased reports of illegal tobacco • an increase in pension and support money as a greater number of people live longer due to reduced smoking rates <p>For tobacco companies</p> <ul style="list-style-type: none"> • time, effort and costs associated with complying with the measure including rebuilding machinery and approving new artwork, guiding retail outlets through the transition period to ensure that branded stock was returned and new stock complied with legislation • the illegal tobacco market has grown following the introduction of tobacco plain packaging • consumers are down-trading from more expensive brands to lower cost brands which has increased market competition (i.e. some tobacco companies with premium products have lost market edge) • loss of intellectual property <p>For tobacco wholesalers and importers</p> <ul style="list-style-type: none"> • repackaging stock was costly and labour intensive in order to become compliant with the new legislation within a short period of time • the sale price for cigarettes is decreasing and the value end of the market has become increasingly competitive • some wholesalers/importers have started to import illegal tobacco products which has negative implications for other wholesalers and importers <p>For retailers</p> <ul style="list-style-type: none"> • additional time is being spent across various steps of the supply chain, including stocktake, customer service, checking incoming orders, putting away stock and correcting mistakes

	Positive impacts (benefits)	Negative impacts (costs)
	<ul style="list-style-type: none"> those consumers who decide to give up smoking will have an increase in disposable income 	<ul style="list-style-type: none"> the number of product selection and processing errors have risen (including in the deliveries from manufacturers and in the products sold to consumers) staff require additional training to identify tobacco products without visual cues such as colouring and branding elements there has been an increase in the time taken to complete a sales transaction as staff are spending longer periods of time searching for and locating requested products which has increased labour costs and consumer waiting times security risks and incidents of store theft have increased as retail staff have their backs to customers for longer periods of time while they are retrieving the requested tobacco products there has been an increase in competition from the illegal tobacco market rural general stores are not stocked as well due to less people buying cigarettes, and therefore there is an increased risk that these stores may fall out of business implementation was rushed with little time for retailers to return stock or prepare, leaving many with dead stock that some suppliers would not take back <p>For consumers</p> <ul style="list-style-type: none"> customer waiting times have increased as retailers are taking longer to search for and locate the products requested by consumers consumers are increasingly being sold the wrong brands and/or variants by retailers the rise of illicit products in the market places consumers at greater risk of being exposed to unregulated tobacco products.
Social	<p>For Australia</p> <ul style="list-style-type: none"> Australia has received worldwide support and recognition for implementation of tobacco plain packaging, and is leading the way for other countries in tobacco control <p>For tobacco wholesalers and importers</p> <ul style="list-style-type: none"> smaller tobacco wholesalers are now more valued in the industry and their input is being increasingly sought by other industry representatives 	<p>For Australia</p> <ul style="list-style-type: none"> media labelling Australia as the “nanny state” has a negative impact on perceptions of Australia <p>For retailers</p> <ul style="list-style-type: none"> tobacco plain packaging has impaired the relationship between consumers and retailers as consumers are becoming increasingly frustrated with the long waiting times and being sold the wrong brands/variants <p>For consumers</p> <ul style="list-style-type: none"> as the smoking rate decreases, remaining smokers feel increasingly marginalised and stigmatised, particularly those from low

	Positive impacts (benefits)	Negative impacts (costs)
	<p>For public health organisations and experts, government departments and health-related NGOs</p> <ul style="list-style-type: none"> • the measure aligns with/supports a number of public health organisations’ policy and strategic direction and as a result further assists these groups to make a positive and meaningful contribution to the community <p>For consumers</p> <ul style="list-style-type: none"> • the measure has facilitated ongoing debate about the harms of smoking and therefore raised more awareness amongst smokers and non-smokers about the health risks associated with smoking • as smoking continues to become less socially acceptable, peer pressure may no longer be a reason for young people to start smoking • as the number of smokers reduce, so too will those young people who model the behaviour of adults • greater productivity and happiness (healthier and longer lives) 	<p>socio-economic groups (e.g. Indigenous Australians) and increasingly feel that tobacco control measures (including tobacco plain packaging) is an infringement of their rights and freedom of choice</p> <ul style="list-style-type: none"> • the increasing level of negative stigma associated with smoking may reduce smokers’ willingness to speak to their doctor about their health concerns which enables early diagnosis of smoking related disease • the measure has impaired the relationship between retailers and consumers and reduced customer satisfaction with the retail experience
Environmental	<p>For the government</p> <ul style="list-style-type: none"> • a reduction in litter and cleaning costs resulting from cigarette butts <p>For the community/general public</p> <ul style="list-style-type: none"> • improvements in amenity in community spaces • reduced number of people smoking in public places therefore reducing peoples exposure to tobacco smoke • a reduction in harmful waste from tobacco products, including from cigarette butts and packaging (with flow on effects for animal life and the quality of waterways) • a reduction in potential fires from cigarette butts 	<p>For the community/general public</p> <ul style="list-style-type: none"> • an increase in waste from the repackaging of tobacco products to comply with the new measure

Table 22 presents a sample of stakeholder views across groups in order to illustrate the diversity of views.

Table 22. Examples of stakeholder views

<p><i>“Any measure that reduces uptake of smoking or aids in cessation will reduce the impact on an already stressed health care system.” (Public health organisation/expert)</i></p> <p><i>“It is a benefit to us in terms of our international reputation. Countries are at different stages of implementing the Framework Convention Tobacco Control (FCTC) and it is a great example to other countries that Australia is leading the way.” (Public health organisation/expert)</i></p> <p><i>“Cigarette butts are a major cause of litter, and there is a cost to taxpayers for cigarette receptacles, street clean-up etc. The costs of maintaining the amenity of the environment are reduced with less litter.” (Public health organisation/expert)</i></p> <p><i>“Elements of cost are all the work that has gone into legislation and getting it to this point... It is not a huge cost relative to the benefits.” (Public health organisation/expert)</i></p> <p><i>“There was a cost in terms of time in arguing for and preparing the legislation and fighting the legislation and so on, but vastly outweighed by the benefits.” (Public health organisation/expert)</i></p> <p><i>“Now all of the tobacco companies manufactures offshore ... the manufacturer profits are repatriated – the tobacco companies are not on the ASX so if you have shares in those they are overseas ... its drawing money out of Australia.” (Public health organisation/expert)</i></p> <p><i>“It’s accelerating the impact of our existing investment in tobacco control. We are, in NSW, doing a huge amount of work in tobacco control – it’s adding to that investment, and is likely to accelerate and increase the impact and outcomes we are likely to see from those efforts.” (Public health organisation/expert)</i></p> <p><i>“If smoking is declining then people who would ordinarily be spending their money on tobacco products will be spending it on something else.” (Public health organisation/expert)</i></p> <p><i>“...it has contributed to the substantial reduction in prevalence which has economic benefits in terms of reduced health costs, for example, when you have less people going to hospital for tobacco-related disease or needing to be treated. We know that tobacco-related disease is a substantial financial burden to the health budget.” (Public health organisation/expert)</i></p> <p><i>“Tobacco plain packaging is contributing to reducing the number of smokers. This will in turn reduce the significant economic burden on health services associated with treating smoking related illnesses.” (Government department stakeholder)</i></p> <p><i>“TPP is likely to have had a positive impact on our business by contributing to and maximising the impact of existing state-based tobacco control strategies aimed at reducing smoking prevalence and keeping people healthy.” (Government department stakeholder)</i></p> <p><i>“Research shows that when people quit they then spend their money on other fast moving consumer goods. So the money is not lost to the economy.” (Government department stakeholder)</i></p> <p><i>“Tobacco products, particularly cigarette butts, are one of the most commonly littered items. As the numbers of smokers reduce or smokers are less open with their packaging, this may have a positive impact on this issue.” (Government department stakeholder)</i></p> <p><i>“(tobacco plain packaging) Continues to reinforce how socially unacceptable smoking has become over the decades and often the social unacceptability of smoking is one of the prompts for quitting for smokers.” (Government department stakeholder)</i></p> <p><i>“I suspect other costs that some businesses may have identified might be the training of staff in location of stocks because they are no longer easily identified, like colours etc.” (Government department stakeholder)</i></p> <p><i>“(Consumers) may be spending that money that’s been freed up in more productive ways locally.” (Health related NGO)</i></p> <p><i>“The cost of reducing smoking is that people would live longer, and this will cost more (in terms of paying the pension and supporting them)” (Health related NGO)</i></p>

“There has not been a switch in people going from small retailers to big retailers – the percentage stays the same. Therefore, it has not negatively impacted more retailers – which is good.” (Health related NGO)

“There might be some economic downsides for smaller tobacconists, probably less tobacconists now than there used to be.” (Health related NGO)

“With a decrease in smoking rate, we can see a decrease in second-hand smoking.” (Health related NGO)

“I think that there is a possibility that tobacco plain packaging could further increase the stigma smokers experience, which could reduce their willingness to speak to their doctor about their intention to quit.” (Health related NGO)

“We assisted small businesses and retailers through the process to make sure they complied... [We] spent a lot of money.” (Tobacco company)

“Finding people to actually do the artwork changes, getting the legally approved artwork... it was an increase on [our] resources which again came back to cost.” (Tobacco company)

“It is the extra time at various points within the supply chain.” (Retailer)

“The amount of time it takes people to work out what stock [has been] delivered and picking errors from manufacturers is higher, ordering is difficult.” (Retailer)

“From our perspective it was a great expense for us to implement these measures... You’re talking about training staff, [including] warehouse staff and onsite staff.” (Retailer)

“[It is] taking longer now to buy tobacco because [the products] aren’t marked as well as they used to be.” (Retailer)

“There are also the non-financial costs which are the frustrations of customers getting the wrong product and them having to come back.” (Retailer)

“Smokers are happy to smoke the value brand and not have to care about their image... [there is] greater market potential for “value” players.” (Tobacco wholesaler and importer)

“The cost of rebranding and repackaging the product I import is a waste of time and very costly” (Tobacco wholesaler and importer)

“[There are] costs associated with re-packaging tobacco products... to ensure compliance before the products [are] released back into the market” (Tobacco wholesaler and importer)

“[Wholesalers] are moving down in their sales price of cigarettes... it has become more competitive in the value end of the market.” (Tobacco wholesaler and importer)

“[Plain packaging] has been very bad for the environment [as we] have to repackage everything.” (Tobacco wholesaler and importer)

“The removal of branding has begun to erode consumer recognition for premium and mid-range categories, therefore encouraging the tobacco industry to engage in future price wars.” (Tobacco packaging manufacturer)

“The rise of illicit products in the market puts consumer health at risk...illegal cigarettes often contain extremely dangerous levels of toxins, with up to 30 times more lead than regulated sticks.” (Tobacco packaging manufacturer)

“Retail outlets report that the Act has affected staff training times, and has implications for personal security as staff must turn their back on the customer for a longer period of time.” (Tobacco packaging manufacturer)

“Reduced smokers equals reduced hospital needs. Reduced smokers means a healthier population.” (Consumer)

“Less cigarettes smoked ... more money in their pockets to purchase other products.” (Consumer)

“All brands look the same so no stigma attached to budget brands anymore.” (Consumer)

“[There are] less cigarette butts in the environment.” (Consumer)

“The amount of times I have been sold incorrect product is ridiculous. Once opened no exchanged [sic?] will be offered even though you have not been sold what you asked for.” (Consumer)

“It often takes more time for serving staff to locate the brand and variant required.” (Consumer)

“[There has been] a decrease in excise for government with smokers choosing cheaper cigarettes.”

“[Retailers are] losing customers due to extra time to serve cigarettes [and it takes] extra time to stocktake and do costings.” (Consumer)

“Smokers are being discriminated against for using a legal product.” (Consumer)

“It takes retail staff ages to find products hidden behind blank doors when all products look the same... The time delay and resulting frustration impacts negatively on staff and consumers.” (Consumer)

“More packaging, so more waste for the environment.” (Consumer)

Section 3: Other issues

This section of the report presents stakeholder views on other issues which do not fall neatly under any one question. These include:

- Tobacco plain packaging and its impact on illicit tobacco; and
- General views and beliefs about tobacco plain packaging.

3.1 Illicit tobacco

Tobacco company stakeholder/s, tobacco wholesalers and importers, tobacco packaging manufacturers and non-health related NGO stakeholder/s referred to their analysis of published reports prepared by KPMG (2014) and Deloitte (2011) and unpublished data from Euromonitor International (2014) which they believe demonstrate that the illicit tobacco market has increased in Australia following the implementation of the tobacco plain packaging measure; and as a result of successive ad hoc excise increases. Retailers in particular expressed concerns about the perceived rise in illicit tobacco and how this may lead to increased competition in the market. Both retailers and tobacco packaging manufacturers also discussed the potential negative health impacts of people's exposure to smoke from unregulated/illegal tobacco products.

Public health organisation and expert stakeholder/s noted that prior to the introduction of tobacco plain packaging, the tobacco industry claimed that the legislation would lead to an increase in the illicit trade of tobacco products; and they are aware that industry continues to claim that the illicit trade of tobacco has increased. This group believe that these claims have been made in Australia and globally, particularly in countries that have either taken steps to introduce plain or standardised packaging, or have indicated an intention to do so. They also believe that the stance taken by industry is both an exaggeration in relation to the level of the illicit tobacco trade in Australia, a tactic used to mislead people about the impacts of tobacco plain packaging and an attempt to create concern about the potential impact of decreasing government revenue with the intention of halting or slowing down adoption of similar legislation in other countries. Public health organisation and expert stakeholder/s state that tobacco industry funded reports: a) have estimated very high levels of illicit tobacco use in Australia; and b) are flawed. For example:

- Reports that use internet surveys are likely to over-represent those who are interested in illicit 'chop chop' tobacco;
- Discarded pack surveys over-estimate the number of packs that are disposed of outdoors (as these may over-represent packs used by overseas visitors and students with links to countries where cigarettes are much cheaper); and
- The reports inadequately adjust for the legal personal importation of tobacco.

Public health organisation and expert stakeholder/s referred to Australian Institute of Health and Welfare (2014) National Drug Strategy Household Survey 2013, which was cited as showing a decline in the percentage of: smokers who are aware of unbranded illicit 'chop-chop' tobacco; who have ever smoked it; who currently use it. They also noted that interceptions of tobacco by the Australian Customs and Border Protection Service have remained constant since the introduction of plain packaging.

3.2 General views and beliefs

A number of consumers, non-health related NGO stakeholder/s and stakeholders from the 'other and unspecified' categories who responded to the call for submission took the

opportunity to express views that did not fall neatly under any one question. A summary of the themes that emerge from an analysis of these types of comments is presented below:

- Views against any form of government intervention in matters relating to the personal choices of individuals;
- Government intervention in private decisions is a threat to democracy and is the beginning of a slippery slope of government control of personal choices;
- Views that because tobacco is a legal substance that tobacco control is an infringement of peoples' rights and freedom of choice;
- Beliefs that some or all tobacco control measures are an excuse to raise the taxes placed on smokers;
- Beliefs that smokers, more than others, are targeted by government when, in fact, there are other lifestyle choices that mean people will end up in hospital with large costs to the public purse (e.g. sports and drinking);
- Beliefs that smokers and tobacco products are more targeted than others (e.g. food labels are known to be misleading but there appears to be little action on those);
- Beliefs that if tobacco smoking is as bad as the amount and type of regulation appears to make it seem, then it should be illegal and that therefore the only conclusion to reach is that government doesn't make it illegal as they want to continue to collect the revenue from it;
- Beliefs that while people are still taking up smoking they are now (in addition) choosing illegal drugs as it costs the same. Further to this a view that if one was a drug addict due to illegal drugs one would be offered Methadone for free, the high cost of quitting smoking leads some to not bother;
- Beliefs that the current raft of tobacco control strategies has led to significant stigmatisation of smokers which is felt to be unfair; and
- Views that there are more important public health priorities such as road traffic accidents, the impact of fast food on health status and alcohol related harms which should be addressed before tobacco related harms.

Consultancy services to inform the development of a Post Implementation Review of the tobacco plain packaging measure

Final Report Appendix 1

- A. Organisations and Government Departments/Agencies invited directly to participate in the consultation process*
- B. Demographics of respondents who identified as consumers*

September, 2015

Appendix 1.A): Organisations and Government Departments/Agencies invited directly to participate in the consultation process from February 2015 to March 2015

Table 1.A Organisations and Government Departments/Agencies

Stakeholders	Invited to Participate in broad consultation process	Invited to Participate in costing study
<i>Tobacco companies</i>		
British American Tobacco Australia	Yes	Yes
Imperial Tobacco	Yes	Yes
Philip Morris Limited	Yes	Yes
Japan Tobacco International		Yes
<i>Tobacco retailers and general retailers</i>		
Peregine Corporation	Yes	Yes
Cignall Specialist Tobacconists	Yes	Yes
Tobacco Station Group	Yes	Yes
King of the Pack	Yes	Yes
Woolworths Limited	Yes	Yes
Metcash	Yes	Yes
Coles	Yes	Yes
Australian National Retailers Association	Yes	Yes
Australian Newsagents' Federation	Yes	Yes
Service Station Association	Yes	Yes
Master Grocers Australia	Yes	Yes
Convenience and Mixed Business Association (CAMBA)	Yes	Yes
Council of Small Business of Australia (COSBOA)	Yes	Yes
Australasian Association of Convenience Stores (AACS)	Yes	Yes
National Independent Retailers Association (NIRA)	Yes	Yes
<i>Tobacco wholesales/importers</i>		
Trojan Trading Co.	Yes	Yes
Richland Express	Yes	Yes
Cigarworld	Yes	Yes
Scandinavian Tobacco Group	Yes	Yes

Stakeholders	Invited to Participate in broad consultation process	Invited to Participate in costing study
The Pacific Cigar Company (Aust) Pty Ltd	Yes	Yes
Trojan Trading Company	Yes	Yes
Club Czar	Yes	Yes
<i>Tobacco Packaging Manufacturer</i>		
Amcor	Yes	Yes
ANZPAC	Yes	Yes
<i>Public health experts and organisations</i>		
Quit SA (Now Cancer Council South Australia)	Yes	
Quit Victoria	Yes	
Cancer Australia	Yes	
Cancer Council Northern Territory	Yes	
Cancer Council Queensland	Yes	
Cancer Council Victoria	Yes	
Cancer Council Western Australia	Yes	
Cancer Council Australian Capital Territory	Yes	
The Australian Association of Smoking Cessation Professionals	Yes	
Quit Tasmania	Yes	
Canberra Action on Smoking and Health	Yes	
Clinical Oncology Society of Australia	Yes	
National Health & Medical Health Research	Yes	
Australian Health Promotion Association	Yes	
National Stroke Foundation	Yes	
National Asthma Council	Yes	
National Aboriginal Community Controlled Health Organisation	Yes	
Non Smokers Movement Australia	Yes	
Consumer Health Forum Australia	Yes	
Mental Health Council Australia	Yes	

Stakeholders	Invited to Participate in broad consultation process	Invited to Participate in costing study
Public Health Association of Australia	Yes	
National Heart Foundation Australia	Yes	
Australian Health Promotion Association	Yes	
McCabe Centre for Law and Cancer	Yes	
The Royal Australasian College of Surgeons (RACS)	Yes	
The Royal Australasian College of General Practitioners (RACGP)	Yes	
The Royal Australasian College of Physicians (RACP)	Yes	
Australian Medical Association	Yes	
The Pharmacy Guild Australia	Yes	
Pharmaceutical Society of Australia	Yes	
Expert affiliated with Wellbeing and Preventative Chronic Disease Division Menzies	Yes	
Expert affiliated with Curtin University	Yes	
Expert 1 affiliated with UNSW School of Public Health and Community Medicine	Yes	
Expert 2 affiliated with UNSW School of Public Health and Community Medicine	Yes	
Expert affiliated with University of Sydney	Yes	
<i>Non-Government Organisations (NGOs)</i>		
Can-Speak	Yes	
Cancer Voices Australia	Yes	
National Rural Health Alliance	Yes	
Lung Foundation Australia	Yes	
<i>Government Departments</i>		
Western Australia Health	Yes	Yes
Northern Territory Department of Health and Families	Yes	Yes
South Australia Health	Yes	Yes
Australian Capital Territory Health	Yes	Yes
New South Wales Ministry of Health	Yes	Yes
Cancer Institute NSW	Yes	Yes
Department of Health Victoria	Yes	Yes

Stakeholders	Invited to Participate in broad consultation process	Invited to Participate in costing study
Queensland Health	Yes	Yes
Federal Government Departments and Divisions		
Department of Health	Yes	Yes
The Treasury	Yes	Yes
Attorney General's Department	Yes	Yes
Department of Industry- National Measurement Institute	Yes	Yes
Department of Industry- IP Australia	Yes	Yes
Department of Foreign Affairs and Trade	Yes	Yes
Department of Health- Indigenous Health Program	Yes	Yes
Department of Health- Pharmaceutical Benefits Division	Yes	Yes
Australian Competition and Consumer Commission	Yes	Yes
Australian Customs and Border Protection Services	Yes	Yes
Department of Finance	Yes	Yes
Department of Prime Minister and Cabinet	Yes	Yes
Australian Institute of Health and Welfare	Yes	Yes
Australian Tax Office	Yes	Yes
Tackling Indigenous Smoking	Yes	Yes

Appendix 1.B): Demographics of respondents who identified as consumers

Table 1.B Consumer smoking status and whether they have smoked in the past

(i) Are you currently a Smoker?

Response	Frequency	Percentage
Yes	366	88.83%
No	31	7.52%
No response	15	3.64%
Total	412	100%

(ii) Have you been a smoker in the past?

Response	Frequency	Percentage
Yes	23	5.58%
No	9	2.18%
No response	380	92.23%
Total	412	100%

Consultancy services to inform the development of a Post Implementation Review of the tobacco plain packaging measure

Final Report Appendix 2

A) List of references and documents provided by stakeholders

September, 2015

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Consultancy services to inform the development of a Post Implementation Review of the tobacco plain packaging measure

Final Report Appendix 3

Consultation Paper

September, 2015

Consultancy services to inform the development of a Post Implementation Review of the tobacco plain packaging measure

Consultation Paper

APPROVED February, 2015

Consultation paper

1. Introduction

This document has been prepared for the Australian Government Department of Health as part of consultancy services to inform the development of a Post Implementation Review (PIR) of the tobacco plain packaging measure. This document presents the consultation paper.

This document has been designed mindful of:

- The Australian Government Office of Best Practice Regulation (OBPR) Guide to Regulation
- OBPR Guidance Note of 2014 in relation to PIRs
- The Guidelines for the implementation of Article 5.3 of the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC).

This document has been refined based on discussions with the Department during stage one of the project.

2. Consultation paper

SIGGINS MILLER WEBSITE

To make an online submission visit - www.sigginsmiller.com/plainpackaging [This web address is no longer active]

Tobacco plain packaging

The Department of Health has engaged Siggins Miller Consultants Pty Ltd (Siggins Miller) to undertake consultation with stakeholders that have been impacted by the tobacco plain packaging measure and to conduct a cost benefit analysis of the measure, to inform the development of a Post Implementation Review (PIR).

The information collected will inform an analysis of the material impacts of the tobacco plain packaging measure on stakeholders and, where possible, quantify the costs and benefits of the tobacco plain packaging measure.

Why we are consulting?

The Australian Government Department of Health is required to complete a PIR of the tobacco plain packaging measure in accordance with the requirements of the Australian Government Office of Best Practice Regulation (OBPR). The purpose of a PIR is to assess whether the regulation remains appropriate and how effective and efficient the regulation has been in meeting its objectives. The objectives of the tobacco plain packaging measure are to regulate the retail packaging and appearance of tobacco products in order to:

- reduce the appeal of tobacco products to consumers;
- increase the effectiveness of health warnings on the retail packaging of tobacco products;
- reduce the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products; and
- through the achievement of these objectives, in the long term, as part of a comprehensive range of tobacco control measures, contribute to efforts to improve public health by discouraging people from taking up smoking, or using tobacco products; encouraging people to give up smoking, and to stop using tobacco products; discouraging people who have given up smoking, or who have stopped using tobacco products, from relapsing; and reducing people's exposure to smoke from tobacco products.

Related information/documents

Further information about the [tobacco plain packaging measure](#) can be found on the Department's website at www.health.gov.au/tobaccopp.

When we are consulting?

The written submission process will be taking place over a period of six weeks from the **16th February to the 27th March, 2015**. Please submit your response by the **27th March, 2015**.

Who will be consulted?

Stakeholders may include (but are not limited to):

- tobacco industry representatives
- tobacco wholesalers and retailers
- tobacco product packaging manufacturers

- state and territory governments
- non-government tobacco control organisations
- public health experts and organisations
- the general public and consumers; and
- Australian government agencies such as the National Measurement Institute/Department of Industry, Australian Taxation Office, Australian Customs and Border Protection Service, Attorney General’s Department, the Department of Foreign Affairs and Trade, the Department of Finance, Australian Competition and Consumer Commission, the Treasury, the Department of Prime Minister and Cabinet, IP Australia and the Department of Health.

How to participate?

To participate please press the ‘continue’ button below. You *do not* need to answer *all* questions, only those that you feel able to respond to. You can also choose to save your response and complete it at a later time by pressing the ‘save page and continue later’ button. Please make sure to complete your written submission prior to the **27th March, 2015** – otherwise your submission will not be counted.

To submit supporting documentation and/or data which relate to specific questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

If you have any trouble completing this written submission please email: contact@sigginsmiller.com.au or call **1800 033 980**.

WRITTEN SUBMISSION FORM

The length of time it will take to complete the written submission will vary depending on your response – at a minimum it will take approximately 15 minutes.

How your submission will be treated

Submissions received are generally published on the [Australian Government Department of Health website](http://www.health.gov.au) (www.health.gov.au) after the consultation closes.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Department.

The Department publishes submissions on the website to encourage discussion and inform the community and stakeholders. However, the Department retains the right not to publish submissions at its discretion, and will not place on the website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the consultation.

Before publication, the Department will remove personally-identifying information from submissions, such as personal email addresses, telephone numbers and home addresses. Whole or parts of submissions which contain information which is requested to be treated as confidential will not be released, unless consent is subsequently received.

Any request for access to a confidential submission will be determined in accordance with the Freedom of Information Act 1982 (Cth), which has provisions designed to protect personal information and information given in confidence.

Background

It is important to note that health warnings on tobacco product packaging fall under different legislation and are not the focus of this review.

Tobacco plain packaging

With effect from 1 October 2012, all tobacco products manufactured or packaged in Australia for domestic consumption were required to be in plain packaging, and with effect from 1 December 2012, all tobacco products sold, offered for sale or otherwise supplied in Australia were required to be in plain packaging.

Tobacco plain packaging has been implemented as part of Australia's comprehensive package of tobacco control measures, through the Tobacco Plain Packaging Act 2011 (Cth) and the Trade Marks Amendment (Tobacco Plain Packaging) Act 2011 (Cth). The tobacco plain packaging legislation removed one of the last forms of tobacco advertising permitted in Australia by imposing significant restrictions upon the colour, shape and finish of retail packaging for tobacco products.

The Tobacco Plain Packaging Act 2011 (Cth) and the associated Tobacco Plain Packaging Regulations 2011 prohibit tobacco industry logos, brand imagery, colours and promotional text other than brand and products names which must be in a standard colour, position, font style and size appearing on the retail packaging of tobacco products. Tobacco product retail packaging is required to appear in a drab dark brown colour (Pantone 448C) in matt finish. Cigarette packs are required to have standardised shapes and openings. Plain packaging applies not just to cigarette products but all tobacco products, including loose leaf tobacco, cigars and bidis. Some restrictions also apply to the appearance of tobacco products themselves.

Health warnings on tobacco product packaging

Since 1 December 2012 retail packaging of tobacco products supplied in Australia must display the updated and expanded health warnings specified in the Competition and Consumer (Tobacco) Information Standard 2011 (the Standard). Whilst the introduction of the updated and expanded health warnings was aligned with the timing of the tobacco plain packaging measure, they are two distinct measures that fall under different legislation. As the updated and expanded health warnings would be required as 'business as usual' even in the absence of the tobacco plain packaging regulation they are not the focus of this review.

To assist in distinguishing between the two measures the key health warning requirements under the Standard include:

- graphic health warnings covering 75 per cent of the front surface of most tobacco product packaging;
- graphic health warnings covering 90 per cent of the back surface for cigarette packaging and 75 per cent of the back surface of most other tobacco product packaging;
- information messages on the side of cigarette packaging and on most other smoked tobacco products;
- rotation of the graphic health warnings for cigarettes and most other smoked tobacco products (not including cigars and bidis) every 12 months in two sets of seven warnings; and

- cigars sold singly are also required to be supplied in retail packaging with health warnings.

Comprehensive package of tobacco control measures

Tobacco plain packaging is a key part of Australia's comprehensive package of tobacco control measures, which include:

- a 25 per cent increase in tobacco excise in April 2010;
- updated and expanded health warnings on tobacco product packaging;
- major funding investments in anti-smoking social marketing campaigns and public education campaigns;
- legislation to restrict internet advertising of tobacco products in Australia, effective from 6 September 2012;
- listing of nicotine replacement therapies on the Pharmaceutical Benefits Scheme (PBS), which subsidises access for lower-income Australians and people with a prescription from a GP, and extended listings for the smoking cessation support drugs bupropion (available in two brands) and varenicline (Champix®);
- substantial funding support, including \$33.2 million in 2014-15, for Aboriginal and Torres Strait Islander communities to reduce smoking rates;
- a reduction in the duty free allowance for tobacco products from 250 cigarettes or 250g of cigars or tobacco products to 50 cigarettes or 50g of cigars or tobacco products per person, from 1 September 2012;
- stronger penalties for people convicted of tobacco smuggling offences; and
- four staged increases in excise and excise-equivalent customs duty on tobacco and tobacco-related products: the first 12.5 per cent increase commenced on 1 December 2013, the second 12.5 per cent increase commenced on 1 September 2014 and the remaining 12.5 per cent increases will occur on 1 September 2015 and 1 September 2016. These increases are in addition to the change to bi-annual indexation of tobacco products (from Consumer Price Index to Average Weekly Ordinary Time Earnings), which commenced on 1 March 2014.

These measures come on top of a comprehensive range of tobacco control measures already in place in Australia, including:

- minimum age restrictions on purchase of tobacco products;
- comprehensive advertising bans under the Tobacco Advertising Prohibition Act 1992 (Cth);
- graphic health warnings on tobacco packaging;
- retail display bans;
- bans on smoking in offices, bars, restaurants and other indoor public spaces, and increasingly outdoor places where children may be exposed to environmental tobacco smoke;
- PBS subsidies for smoking cessation supports; and
- Quitlines and other smoking cessation support services in each State and Territory to help people quit.

Demographics

Which stakeholder category do you best identify with?

Government (please specify)	Tobacco Industry (please specify)	Public Health Expert/Organisation (please specify)	Non- Government Organisation (please specify)	General public/ Consumer	Other (please specify)
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If the participant indicates they are a consumer:

Are you currently a smoker?

Yes

No

Have you been a smoker in the past?

Yes

No

Effectiveness and efficiency of the tobacco plain packaging measure

The tobacco plain packaging measure is part of a comprehensive range of tobacco control measures. The questions in this section aim to gather information on whether the tobacco plain packaging measure has been effective and efficient in meeting its objectives.

Reducing the appeal of tobacco products to consumers

To what extent do you think that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has:

1. <i>Reduced the appeal of tobacco products to consumers?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent
2. <i>Been an efficient mechanism for reducing the appeal of tobacco products to consumers?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent

3. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to:
plainpackaging@sigginsmiller.com.au.

Increasing the effectiveness of health warnings on the retail packaging of tobacco products

To what extent do you think that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has:

4. <i>Increased the effectiveness of health warnings on retail packaging of tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent
5. <i>Been an efficient mechanism for increasing the effectiveness of health warnings on retail packaging of tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent

6. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Reducing the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products

To what extent do you think that the tobacco plain packaging measure, by regulating the retail packaging and appearance of tobacco products, has:

7. <i>Reduced the ability of the retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent
8. <i>Been an efficient mechanism for reducing the ability of retail packaging of tobacco products to mislead consumers about the harmful effects of smoking or using tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent

9. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Public Health

The tobacco plain packaging measure is part of a comprehensive package of tobacco control measures. These questions aim to gather information on whether the tobacco plain packaging measure has contributed to improvements in public health.

Discouraging people from taking up smoking or using tobacco products

To what extent do you think that the tobacco plain packaging measure, as part of broader effort has:

10. <i>Discouraged people from taking up smoking, or using tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent
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11. On what basis do you make this judgement? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Encouraging people to give up smoking and to stop using tobacco products

To what extent do you think that the tobacco plain packaging measure, as part of broader effort has:

12. <i>Encouraged people to give up smoking and to stop using tobacco products?</i>	Not at all	Very little	Unsure	Somewhat	To a great extent
--	------------	-------------	--------	----------	-------------------

13. On what basis do you make this judgement? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Discouraging people who have given up smoking, or who have stopped using tobacco products from relapsing

To what extent do you think that the tobacco plain packaging measure, as part of broader effort has:

14. Discouraged people who have given up smoking or who have stopped using tobacco products from relapsing?	Not at all	Very little	Unsure	Somewhat	To a great extent
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15. On what basis do you make this judgement? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Reducing people's exposure to smoke from tobacco products

To what extent do you think that the tobacco plain packaging measure, as part of broader effort has:

16. Reduced people's exposure to smoke from tobacco products?	Not at all	Very little	Unsure	Somewhat	To a great extent
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17. On what basis do you make this judgement? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

The impact of the tobacco plain packaging measure

18. Thinking about the impact of the tobacco plain packaging measure on you and/or your business, please indicate whether you believe it has had any *positive impacts* at the levels listed below? If you believe it has had *positive impacts*, please explain further in the drop down boxes.

Economically?	INSERT RESPONSE
Socially?	INSERT RESPONSE
Environmentally?	INSERT RESPONSE

19. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

20. Thinking about the impact of the tobacco plain packaging measure on you and/or your business, please indicate whether you believe it has had any *negative impacts* at the levels listed below? If you believe it has had *negative impacts*, please explain further in the drop down boxes.

Economically?	INSERT RESPONSE
Socially?	INSERT RESPONSE
Environmentally?	INSERT RESPONSE

21. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to: plainpackaging@sigginsmiller.com.au.

Costs and benefits

22. Thinking about the impact of the tobacco plain packaging measure on you and/or your business, please indicate what you identify as the *major costs* and/or *benefits* of the measure? Please explain further in the drop down boxes.

Costs?	INSERT RESPONSE
Benefits?	INSERT RESPONSE

23. On what basis do you make these judgements? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to:
plainpackaging@sigginsmiller.com.au.

24. In order to distinguish clearly between the costs of complying with the *tobacco plain packaging measure* (the focus of this review) and the costs of complying with the updated and expanded *health warnings*, please describe any costs of complying with the *health warnings* measure? (500 word limit; if you do not wish to provide a response please insert N/A)

Costs?	INSERT RESPONSE
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If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to:
plainpackaging@sigginsmiller.com.au.

Final comments

25. Do you have any final comments? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

If you wish to submit supporting documentation and/or data which relate to these questions please make note of the **question number** and submit this along with your **Response ID** (found on the thank you page once you have completed your response) to:
plainpackaging@sigginsmiller.com.au.

Questions about this consultation process

26. How satisfied were you with this consultation process?	Very unhappy	Unhappy	Neutral	Satisfied	Highly satisfied
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27. On what basis do you make this judgement? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

28. Do you have any specific comments about this consultation process? (500 word limit; if you do not wish to provide a response please insert N/A)

INSERT RESPONSE

Thank you for submitting a response

If you wish to supply any documentation to support your response please send it to:
plainpackaging@sigginsmiller.com.au.

If possible, please include in your email:

- the Response ID on this page
- the question number which the documentation and/or data relates to.