



Australian  
Competition &  
Consumer  
Commission

## **Consultation Paper**

# **Proposed Tobacco Labelling (Graphic Health Warnings) Mandatory Standard**

**September 2011**

Australian Competition and Consumer Commission

23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

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# 1 - Introduction

The Australian Government is responsible for mandating health warnings on tobacco product packaging. After initially being regulated through State and Territory legislation, a national system of text-only warnings was introduced in 1995. Following a comprehensive review of the text-only health warnings, from 1 March 2006 almost all tobacco product packaging manufactured in, or imported into Australia, has been required to be printed with graphic health warnings.

These warnings are currently mandated through the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*<sup>1</sup> (current Standard) now under the *Australian Consumer Law* in Schedule 2 to the *Competition and Consumer Act 2010* (CCA). While the Australian Government Department of Health and Ageing has policy responsibility for health warnings, the current Standard is administered within the Treasury portfolio and enforced by the Australian Competition and Consumer Commission (ACCC), in collaboration with the State and Territory fair trading agencies.

On 29 April 2010, the Australian Government announced that it would be moving to update and expand the graphic health warnings on tobacco product packaging as part of a comprehensive suite of reforms being implemented by the Australian Government to reduce smoking and its harmful effects.

In 2008 a comprehensive evaluation of the effectiveness of the graphic health warnings was undertaken.<sup>2</sup> The evaluation found that the graphic health warnings had achieved their intended purpose by increasing consumer knowledge of the health effects related to smoking, encouraging cessation of smoking and discouraging smoking uptake or relapse. However, a number of areas for improvement were identified including the size of the warning on the front of packaging. The importance of regularly updating and refreshing the health warnings to maintain effectiveness was also identified with some indications that their impact may have been beginning to wear out.

In response to the evaluation, the Government's aim in updating and expanding the health warnings is to ensure they continue to achieve their purpose to the greatest extent possible. Section 3A of the current Standard states:

*'The purpose of these Regulations is to provide for a system of warnings, explanatory messages and graphic images to increase consumer knowledge of health effects relating to smoking, to encourage the cessation of smoking and to discourage uptake or relapse.'*<sup>3</sup>

From a consumer protection perspective, the need for an updated and continually effective tobacco labelling Standard is compelling as tobacco smoking and consumption remains one of Australia's leading causes of preventable deaths and

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<sup>1</sup> *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*, <<http://www.comlaw.gov.au/Details/F2007C00131>>.

<sup>2</sup> Shanahan, P. and Elliott, D., 2009, *Evaluation of the Effectiveness of the Graphic Health Warnings on Tobacco Product Packaging 2008*, Australian Government Department of Health and Ageing, Canberra, <<http://www.health.gov.au/internet/main/publishing.nsf/content/tobacco-warn-eval08>>.

<sup>3</sup> Above n 1.

disease, and continues to kill over 15,000 Australians each year.<sup>4</sup> Deaths and injuries attributable to tobacco products in Australia far exceed those of any other consumer product.

The Australian Government is aiming for the proposed changes to the current graphic health warning standard (Proposed Standard) to be in place by 1 January 2012 with full compliance required by 1 July 2012. The current Standard would be revoked six months after the commencement of the new standard to allow a transition period for industry to change over to the new requirements.

The purpose of this consultation paper is to seek comments on the proposed changes to the tobacco graphic health warning system and the key provisions proposed for inclusion in the Proposed Standard by the end of 2011.

**Note: This consultation paper does not include details or seek views or submissions on the Australian Government's plain packaging measure<sup>5</sup> which is a separate initiative under different legislation.**

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<sup>4</sup> Begg S, Vos T, Barker B, Stevenson C, Stanley L and Lopez A, *The burden of disease and injury in Australia 2003*. PHE 82. Canberra: Australian Institute of Health and Welfare, 2007.

<sup>5</sup> The *Tobacco Plain Packaging Bill 2011* was passed by the House of Representatives on 24 August 2011 and at the time of publication of this consultation paper is currently being considered by the Senate. A copy of the *Tobacco Plain Packaging Bill 2011* and the Explanatory Memorandum can be found at <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4613%22>.

Targeted consultations have been held with the tobacco industry, retailers and cigar importers and distributors between December 2010 and August 2011.

## 1.1 - Dates and process for submissions

This consultation paper is being released for public comment from **19 September 2011 to 17 October 2011**.

Interested parties and individuals are invited to provide written submissions commenting on the tobacco labelling proposals outlined in the consultation paper. Submissions **must be received by the ACCC by 5.00pm on 17 October 2011**.

Submissions can be sent electronically to: [productsafetytobacco@acc.gov.au](mailto:productsafetytobacco@acc.gov.au).

Alternatively, submissions can be sent by post to:

General Manager  
Product Safety Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601.

The ACCC prefers that all submissions be publicly available to facilitate an informed and transparent consultative process. Submissions will be treated as public documents unless otherwise requested. Parties wishing to submit confidential information are requested to:

- clearly identify in the text of the submission, the information that is the subject of the confidentiality claim
- provide an edited non-confidential version of the submission in a form suitable for publication.

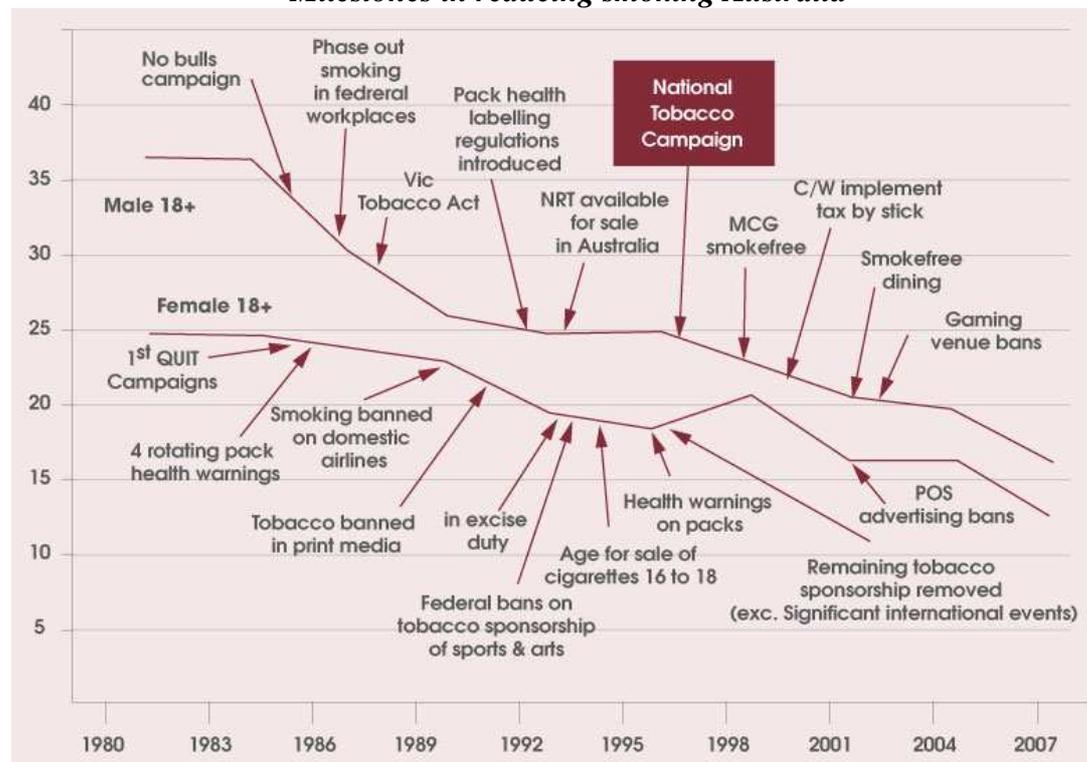
This consultation paper and other information about consumer product safety are available at: [www.productsafety.gov.au](http://www.productsafety.gov.au). A draft Instrument containing the proposed Standard will also be published on this website for comment.

**Note:** This consultation paper does not include details or seek views or submissions on the Australian Government's plain packaging measure which is a separate initiative under different legislation.

## 2 - Smoking and tobacco use in Australia

As a result of concerted and comprehensive public policy efforts from Commonwealth, State and Territory Governments and action from public health organisations, the proportion of Australians aged 14 years and over smoking daily has fallen from 30.5 per cent in 1988 to 15.1 per cent in 2010.<sup>6</sup> As shown below, this reduction has been brought about by tobacco control measures including social marketing campaigns, health warnings on packaging, workplace and broader indoor smoking bans, support for smoking cessation through Quitlines and public funding for pharmaceuticals, restrictions on sales to minors, tobacco excise increases and advertising bans.

*Milestones in reducing smoking Australia*



Source: The Cancer Council of Victoria 2009

Nonetheless, almost three million Australians continue to smoke,<sup>7</sup> including almost half of Aboriginal and Torres Strait Islander people aged 15 years and over.<sup>8</sup> As the chart (above) indicates, the decline in female smoking rates has also not consistently declined. However, data released recently indicates that since 2004 there has been a steady decline in smoking rates for females aged 14 years or older.<sup>9</sup> Tobacco smoking remains one of Australia's leading causes of preventable death and disease and kills over 15,000 Australians each year.<sup>10</sup> The economic and social costs of

<sup>6</sup> On 27 July 2011, the Australian Institute of Health and Welfare released results from its 2010 National Drug Strategy Household Survey (NDSHS) which reported that the proportion of Australians aged 14 years and over smoking daily had fallen to 15.1 per cent in 2010.

<sup>7</sup> Ibid.

<sup>8</sup> Australian Bureau of Statistics 2009, *National Aboriginal and Torres Strait Islander Social Survey 2008*, cat. no. 4714.0, ABS, Canberra 2009.

<sup>9</sup> AIHW 2011, 2010 National Drug Strategy Household Survey report. Drug statistic series no. 25. Cat. No. PHE 145. Canberra: AIHW.

<sup>10</sup> Begg et al, above n 4.

smoking are estimated at \$31.5 billion each year.<sup>11</sup> As the effects are so long-term and so far-reaching, the personal and social costs of smoking will continue to be high for many years.<sup>12</sup>

The Council of Australian Governments (COAG) agreed in the 2008 National Healthcare Agreement to a target of reducing the national adult smoking rate to 10 per cent and halving the Aboriginal and Torres Strait Islander smoking rate by 2018.

Despite the significant reduction in smoking over the past 30 years, the COAG targets will not be achieved without additional action. Modelling undertaken in 2009 showed that a continuation of current smoking cessation and initiation patterns would see around 14 per cent of adults still smoking in 2020, and that smoking cessation rates would need to double if the COAG targets are to be reached.<sup>13</sup>

Comprehensive reforms initiated by the Australian Government to meet the COAG target include:

- a 25 per cent increase in tobacco excise in April 2010, the first increase above inflation for more than a decade;
- the introduction of plain packaging for tobacco products;
- the introduction of legislation to bring restrictions on internet advertising of tobacco products into line with advertising in other media;
- investments in anti-smoking social marketing campaigns, including the ‘4,000 Chemicals’ campaign in 2010, and the \$61 million National Tobacco Campaign ‘Every cigarette brings cancer closer’ in 2011;
- a further \$27.8 million over four years for social marketing campaigns targeted to high-risk and hard to reach groups;
- investment of \$14.5 million in the Indigenous Tobacco Control Initiative which is funding 18 innovative pilot projects in Indigenous communities around Australia;
- a \$100.6 million COAG Closing the Gap in Indigenous Health National Partnership, Tackling Smoking measure which will employ a tobacco action workforce in 57 regions across Australia by 2012-13;
- The first ever Aboriginal and Torres Strait Islander-specific national anti-smoking television campaign ‘Break the Chain’ launched in March 2011;
- \$5 million in one-off funding for Quitlines in 2009-10; and
- \$102.4 million to support extended listings on the Pharmaceutical Benefits Scheme for nicotine replacement therapies and other quit smoking supports.

<sup>11</sup> Collins D and Lapsley H. *The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004/05*. P3 2625. Canberra: Department of Health and Ageing, 2008.

<sup>12</sup> National Preventive Health Taskforce 2009, *Australia: the healthiest country by 2020, Technical Report 2 - Tobacco control in Australia: making smoking history*. Prepared for the National Preventive Health Taskforce by the Tobacco Working Group.

<sup>13</sup> Gartner CE, Barendregt JJ, Hall WD. Predicting the future prevalence of cigarette smoking in Australia: how low can we go and by when? *Tobacco Control* 2009 Jun;18(3):183-9. Epub 2009 Jan 29.

### 3 - Harmful effects of tobacco products and their use

As with the rest of the world, tobacco use is one of Australia's leading causes of preventable death and disease. Smoking is highly addictive and in a majority of cases, smokers become addicted during adolescence.<sup>14</sup> Cigarettes and other tobacco products are harmful due to the presence of carcinogens (cancer-causing agents), nicotine (an addictive agent) and hundreds of other toxic substances.<sup>15</sup> Tobacco smoke contains 69 known human carcinogens<sup>16</sup> and numerous other chemical compounds that are highly likely to be classified as carcinogenic to humans.

There is no risk-free level of exposure to tobacco smoke.<sup>17</sup> Smokers have an increased risk of death or illness from numerous conditions. Smoking causes heart disease, stroke, peripheral vascular disease, emphysema, and other respiratory diseases, blindness, fertility problems, dental problems, erectile dysfunction, and a number of cancers including; lung, mouth, laryngeal, oesophageal, stomach, bladder, kidney and cervical.<sup>18,19</sup> Smoking also contributes to osteoporosis and increases the risks or pregnancy complications including premature birth, low birth weight, still birth and infant mortality.<sup>20</sup> The risks increase with the number of cigarettes smoked daily and the number of years of smoking.<sup>21</sup> Half of all lifetime smokers die early from smoking related diseases.<sup>22</sup>

Cancer is potentially one of the most preventable and treatable of all diseases.<sup>23</sup> Almost one-third of all cancers are preventable<sup>24</sup> with more than a quarter attributable to just three risk factors: smoking, alcohol misuse and obesity. The risks of both cardio vascular disease and many cancers can be modified by individual lifestyle changes and health warnings on tobacco products are a key intervention.

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<sup>14</sup> US Department of Health and Human Services. Preventing tobacco use among young people. A report of the Surgeon General, 1994. Atlanta, Georgia: Public Health Service, Centers for Disease Control and Prevention, Office on Smoking and Health; 1994. Available from: [http://www.cdc.gov/tobacco/data\\_statistics/sgr/sgr\\_1994/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/sgr_1994/index.htm).

<sup>15</sup> For more information see: National Cancer Institute Fact Sheet, 'Harms of Smoking and Health Benefits of Quitting', U.S. Department of Health and Human Services, January 2011, <<http://www.cancer.gov/cancertopics/factsheet/Tobacco/cessation>>, accessed 12 September 2011; and National Cancer Institute Fact Sheet, 'Smokeless Tobacco and Cancer', U.S. Department of Health and Human Services, October 2010, <<http://www.cancer.gov/cancertopics/factsheet/Tobacco/smokeless>>, accessed 12 September 2011..

<sup>16</sup> International Agency for Research on Cancer. Tobacco smoke and involuntary smoking. IARC monographs on the evaluation of the carcinogenic risk of chemicals to humans, Volume 83. Lyon: International Agency for Research on Cancer; 2004. Available from: <http://monographs.iarc.fr/ENG/Monographs/allmonos90.php>; also Scollo, MM and Winstanley, MH [editors]. *Tobacco in Australia: Facts and Issues*. Third Edition. Melbourne: Cancer Council Victoria; 2008. Available from: <http://www.tobaccoinustralia.org.au>.

<sup>17</sup> U.S. Department of Health and Human Services. 2010. *How tobacco smoke causes disease: a report of the Surgeon General. What it means to you*. [Atlanta, Ga.] US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; Washington D.C [http://www.cdc.gov/tobacco/data\\_statistics/sgr/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/index.htm).

<sup>18</sup> International Agency for Research on Cancer. Tobacco smoke and involuntary smoking. IARC monographs on the evaluation of the carcinogenic risk of chemicals to humans, Volume 83; 2004.

<sup>19</sup> U.S. Department of Health and Human Services. 2004. *The health consequences of smoking: a report of the Surgeon General*. Disease Control and Prevention, National Centre for Chronic Disease Prevention and Health Promotion, Office of Smoking and Health.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> U.S. Department of Health and Human Services. 2004. *The health consequences of smoking: a report of the Surgeon General: What it means to you*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. [http://www.cdc.gov/tobacco/data\\_statistics/sgr/2004/pdfs/whatitmeanstoyou.pdf](http://www.cdc.gov/tobacco/data_statistics/sgr/2004/pdfs/whatitmeanstoyou.pdf)

<sup>23</sup> Commonwealth of Australia (2010), *Delivering Better Cancer Care*, Australian Government Department of Health and Ageing, Canberra, p3. <[http://www.health.gov.au/internet/yourhealth/publishing.nsf/Content/908D7903A1D7DE32CA2577210045B763/\\$File/cancare.pdf](http://www.health.gov.au/internet/yourhealth/publishing.nsf/Content/908D7903A1D7DE32CA2577210045B763/$File/cancare.pdf)> accessed 12 September 2011.

<sup>24</sup> Ibid.

Research indicates that the harms from tobacco are also not limited to the smoker. Second hand smoke has been shown to cause disease and early death in children and non-smoking adults exposed to the smoke. Tobacco smoke is known to trigger asthma attacks in asthma sufferers.<sup>25</sup> There is no safe amount of second hand smoke. Even a little smoke can be dangerous.<sup>26</sup>

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<sup>25</sup> For more information see: World Health Organization, 'Asthma Fact sheet No. 307', May 2011 <<http://www.who.int/mediacentre/factsheets/fs307/en/index.html>> accessed 12 September 2011.

<sup>26</sup> 2006 US Surgeon General's Report. U.S. Department of Health and Human Services. 2006. *The health consequences of Involuntary Exposure to Tobacco Smoke. A Report of the Surgeon General*. Centres for Disease Control and Prevention, National Centre for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

## 4 - Rationale for updating the current Standard

### 4.1 - Preventative Health Taskforce

The Preventative Health Taskforce, an expert group established by the Government to examine the evidence on tobacco, alcohol and obesity, acknowledged extensive new evidence about the health effects of smoking that consumers have not yet been warned about, and also indicated that consumers need to be warned about all the risks posed by smoking in a clearer, more systemic and timelier manner.

The Taskforce Report noted that the 2008 Evaluation indicated some wear-out of the current warnings, and in comparing Australia's graphic health warnings with requirements in other countries, reported that Australia is falling behind when it comes to the potency of warnings.

The Preventative Health Taskforce recommended:

- substantially larger front-of-pack warnings;
- more regular reviews of health warnings; and
- a more timely system of warning consumers of new and emerging risks.<sup>27</sup>

### 4.2 - Evaluation of graphic health warnings

In 2008, a comprehensive evaluation of the graphic health warnings was undertaken. The report '*Evaluation of the effectiveness of the graphic health warnings on tobacco product packaging 2008*' (2008 Evaluation)<sup>28</sup> demonstrated that the graphic health warnings had achieved their intended purpose by increasing consumer knowledge of the health effects related to smoking, encouraging cessation of smoking and discouraging smoking uptake or relapse.

The 2008 Evaluation indicated that the health warnings received strong support among consumers and public health experts, had achieved a high level of noticeability and gained widespread acceptance as believable. The significance and dominance of including graphic images was also reflected in the findings.

Although the 2008 Evaluation indicated that the health warnings achieved their purpose, there were areas for improvement identified.

The report stated that the front of the pack was invariably seen as the most important panel to display a health message as it was the most frequently seen part of a pack.<sup>29</sup> However, smokers commented that the health warning on the front of packs was 'too small' and 'too difficult to read'. Branding and use of colour on the packaging was thought to overpower the warning on the front of packs and the report indicated that

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<sup>27</sup> National Preventative Health Taskforce 2009, *Australia: the healthiest country by 2020, National Preventative Health Strategy – the roadmap for action 30 June 2009* and National Preventative Health Taskforce 2009, *Technical Report 2 Tobacco control in Australia: making smoking history* Prepared for the National Preventive Health Taskforce by the Tobacco Working Group. Both available at [www.preventativehealth.org.au](http://www.preventativehealth.org.au).

<sup>28</sup> Shanahan and Elliott, above n 2.

<sup>29</sup> Ibid 12.

some consumers were surprised that a greater amount of space was allotted to tobacco industry branding rather than the health warning.

The information message on the side of pack could not be recalled by many consumers with more than half claiming they didn't know or couldn't recall the information. Public health experts also claimed that the message was no longer consistent with current scientific evidence.

The importance of regularly updating and refreshing the health warnings to maintain effectiveness was also identified, with some indications that their impact may have been beginning to wear out. Consumers indicated that some warnings, and specifically the graphic images, had become so familiar that their potency in conveying the health message had decreased. Many public health experts also thought the 'salience' (prominence and noticeability) of the warnings was beginning to wane and that they were in need of being more regularly updated.

Public health experts claimed many cigar smokers wouldn't see the warnings as most cigars are sold as single sale items. Cigar smokers in the 2008 Evaluation confirmed this view, with 71 per cent indicating they buy cigars as single sale items. As a result, public health experts wanted health warnings on all tobacco products, more notably on single sale cigars (currently exempt under the current Standard), and to ensure warnings are clearly applied to other products such as tobacco used in water pipes.

Consumers and public health experts made other suggestions for improvements including revising existing warnings with new images, updated text, more simplified and personalised messages, and changing layout and design. There were requests for increased variety in the types of messages with a range of suggestions for new topics.

Based on this evaluation and a review of the scientific health evidence underpinning the current warnings, the Australian Government considers that some information is now out of date and will require updating or replacing, including:

- statistics in several graphic health warnings;
- chemical information on the side of pack message;
- replacing references to the former Quitline number with the current 13 QUIT (13 7848); and
- replacing references to the former [quitnow.info.au](http://quitnow.info.au) address with the current [www.quitnow.gov.au](http://www.quitnow.gov.au) address.

### 4.3 - International context

Health warnings on tobacco product packaging have been extensively evaluated as an effective and valid tool to inform smokers about the consequences of tobacco use.<sup>30,31,32,33</sup>

The International Tobacco Control Evaluation Project has studied tobacco-control policies around the world and it confirms the effectiveness of graphic images which incorporate vivid colour images. Vivid images, in particular, tend to elicit emotional reactions, which have been shown to be powerful motivators.<sup>34</sup> Over the last decade there has also been a global trend towards bigger health warnings on tobacco packaging that include graphic images. By October 2010, 39 countries had finalised requirements for pictorial health warnings.<sup>35</sup> Recognising that the impact of warnings declines over time, a number of countries have replaced their original graphic health warnings with new warnings, some more than twice (Uruguay and Chile).

For example, in 2005 Thailand switched to graphic labels, and the percentage of smokers who reported thinking about health risks because of the warnings increased from about 35 percent to 55 percent. The percentage of smokers who said that the warnings made them more likely to quit rose from 31 percent to 46 percent. During the same period, Malaysia had retained small text-box labels and there was no change in the effect of warnings on attitudes about health risks, which hovered around nine percent. The likelihood that warning labels might induce people to quit there actually went down slightly from 14 percent to nine percent. When Mauritius, introduced graphic warning labels the percentage of smokers who said they frequently noticed warnings on packages rose from 56 to 83 percent. Currently, Thailand and Mauritius required graphic health warnings to cover 55 per cent and 60 per cent of the front of their pack, respectively.<sup>36</sup>

Australia's health warnings currently only cover 30 per cent of the front and 90 per cent of the back of cigarette packs, or an average of 60 per cent of the principal display areas. With the global trend towards bigger pictorial warnings, a number of countries now require health warnings covering more than Australia's 30 per cent warnings on the front of packaging.<sup>37</sup> Australia's 60 per cent average pack coverage ranks globally in equal fourth position with New Zealand, the Cook Islands, and the Philippines.<sup>38</sup> However Australia's ranking in relation to the size of its front of pack graphic health warnings are significantly lower in comparison to 29 other countries that have front of pack graphic health warnings greater than 30 per cent.<sup>39</sup>

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<sup>30</sup> Hammond D, Fong GT, McNeil A, Borland R and Cummings KM. 2006. Effectiveness of cigarette warning labels in informing smokers about the risks of smoking: findings from the International Tobacco Control (ITC) Four Country Study. *Tobacco Control*. 2006; 15 19-25.

<sup>31</sup> Hammond D, Fong GT, Borland R, Cummings M, McNeil A, Driezen P. 2007. *Text and graphic warnings on cigarette packages: findings from the International Tobacco Control Four Country Study*. *American Journal of Preventative Medicine*. March 2007; 32 (3) 210-217.

<sup>32</sup> A more detailed examination of design characteristics that influence health warning effectiveness can be found in Shanahan and Elliott, above n 2.

<sup>33</sup> International Tobacco Control Policy Evaluation Project 2009 FCTC Article 11 Tobacco warning labels: Evidence and recommendations from the ITC Project.

<sup>34</sup> *Ibid*.

<sup>35</sup> Canadian Cancer Society, October 2010 Cigarette package health warnings; international status report at <http://www.tobaccolabels.ca/factsheet/cigarettepackagehealthwarningsinternationalstatus>.

<sup>36</sup> *Ibid*.

<sup>37</sup> *Ibid*.

<sup>38</sup> *Ibid*.

<sup>39</sup> *Ibid* 6-7.

In taking action to update and expand the health warnings on tobacco packaging, Australia is acting consistently with its obligations under the World Health Organization *Framework Convention on Tobacco Control* (WHO FCTC).<sup>40</sup> The FCTC is an international treaty that provides a global policy framework for Parties to implement strong measures against the death and disease caused by smoking.

Article 11 of the FCTC contains provisions relevant to ‘Packaging and labelling of tobacco products’. Requirements include that Parties ensure that each package of tobacco products carries health warnings that:

- are in the country’s principal language/s;
- are rotating; large, clear, visible and legible;
- cover 50 per cent or more of the principal display area but no less than 30 per cent;
- may include pictures;
- as well as ensuring packaging is not misleading or likely to create the impression that a particular product is less harmful than another.

Guidelines intended to assist Parties to meet their obligations under Article 11 were adopted by the FCTC Conference of the Parties in 2008. The Guidelines are based on international evidence and include a number of key recommendations regarding health warning design such that health warnings should:

- cover as much of the main display areas as possible;
- be placed on the front and back of packaging recognising that the *front* is the most visible part of a package;
- be placed at the top rather than the bottom of packaging to increase visibility;
- include both pictures and text as evidence shows they are far more effective than text only warnings;
- cover a range of topics as different warnings resonate with different people; and
- be rotated. Rotation of messages and changes in layout and design are important to maintain saliency and increase effectiveness.<sup>41</sup>

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<sup>40</sup> A full copy of the text of the *WHO Framework Convention on Tobacco Control* is available at [http://www.who.int/fctc/text\\_download/en/index.html](http://www.who.int/fctc/text_download/en/index.html).

<sup>41</sup> A full copy of the *WHO Guidelines for implementation of Article 11 of the WHO FCTC Packaging and labeling of tobacco products* can be found at [http://www.who.int/fctc/guidelines/article\\_11.pdf](http://www.who.int/fctc/guidelines/article_11.pdf)

## 5 - Development of new graphic health warnings

On 29 April 2010, the Australian Government announced that it would be moving to update and expand the graphic health warnings on tobacco product packaging as part of the comprehensive suite of reforms to reduce smoking and its harmful effects, previously outlined in Section 1.

The proposed warnings have been developed for use in the Australian context. International guidelines, current research and the experience of other countries have been taken into account in the development process. The initial selection of topics and development of warnings was informed by the recommendations in the 2008 Evaluation. Input was also sought from the Plain Packaging Expert Advisory Group, a group of leading experts in tobacco control set up by the Department of Health and Ageing in September 2010.<sup>42</sup> The health warnings were further revised, refined and selected based on scientific evidence and a program of market research.

### 5.1 - Market research on new warnings

During 2010 and 2011, the Department of Health and Ageing commissioned market research to assist in the development of proposed new health warnings.<sup>43</sup> The market research explored consumer reaction to the main elements of the graphic health warning system including potential new warning statements, images, more detailed explanatory messages and information messages (side of packs). It also tested different colours and layouts for some elements. The most effective material from earlier phases was revised and refined and tested as graphic health warnings on prototype packaging for final testing. The final suite of warnings includes a variety of different approaches and a mix of both familiar and new health effects. This is likely to strengthen the overall impact of the suite of warnings as they impact on different consumers in different ways.

Overall, the market research indicates that the new graphic health warnings are likely to be effective. As a group of warnings they were considered a multi-pronged information campaign with different content and style to the current warnings including a:

- broader range of topic areas;
- mix of different image styles;
- stronger emotional component; and
- greater emphasis on morbidity, rather than mortality.

The research also indicated that the proposed larger size of warnings on the front of packs made the health warnings immediately noticeable and difficult to avoid.

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<sup>42</sup>Department of Health and Ageing *Consultation Paper: Tobacco Plain Packaging Bill 2011 Exposure Draft* and associated documents remains available at [www.yourhealth.gov.au](http://www.yourhealth.gov.au).

<sup>43</sup> Reports on the market testing when publicly available will be found at [www.health.gov.au/tobacco](http://www.health.gov.au/tobacco).

## 5.2 - Graphic health warning changes

A more uniform approach to health warnings is proposed to be implemented under the Proposed Standard to convey a consistent public health message about the risks associated with smoking any tobacco product. This has been informed by a program of market research conducted during 2011.<sup>44</sup> See section 8 of this paper for specific draft details of the Proposed Standard.

The Government is proposing to increase warnings to cover 75 per cent of the front of cigarette packaging. In line with the proposed increase in size of health warnings on the front face of cigarette packs to 75 per cent, it is proposed that graphic health warnings for tobacco products other than cigarettes will also be required to cover at least 75 per cent of the front and back face (with limited exceptions).

In determining the 75 per cent warning size for the front and back face for most products other than cigarettes, the following factors have been taken into account:

- 75 per cent is an increase in size compared with current requirements for most products;
- an increase to 75 per cent permits the three main elements of a graphic health warning (warning statement, graphic/s and explanatory message) to be required on most tobacco products;
- the remaining space on the package will allow for other required labelling elements such as product name, manufacturers details, measurement information and barcodes to be printed on the package; and
- package designs for products other than cigarettes do not necessarily have other faces on the package that can be used for the display of these other required labelling elements.

While a more uniform approach is proposed there are differences in layouts and what is required to appear on each face of particular package types. These differences are based upon market testing of potential new health warnings<sup>45</sup> and consideration of message comprehension on different package shapes and sizes. Relevant market research findings are outlined in the rationale under each product category. To accommodate the change in size of warnings proposed new layouts for warnings will be specified in the Proposed Standard.

### 5.2.1 - Cigarette 'front of pack' warning size and design

The Government is proposing to increase the overall size of warnings to cover 75 per cent (currently 30 per cent) of the area of the front of cigarette packaging and maintain the current 90 per cent warnings on the back of the pack.

The 2008 Evaluation considered the current 30 per cent front-of-pack warning too small and therefore affected readability and impact of the warning. Market research options for front of pack sizes tested the impact of 30 per cent, 60 per cent and 75 per cent warnings and found that the pack with the 75 per cent health warning positioned

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<sup>44</sup> The market research was commissioned by the Australian Government Department of Health and Ageing to explore consumer reaction to the proposed content of the graphic health warnings including colour and layout options. The research reports are not yet in the public domain. The reports when publically available will be found at [www.health.gov.au/tobacco](http://www.health.gov.au/tobacco).

<sup>45</sup> Ibid.

on the top of the front face of the pack outperformed all other packs on all measures tested (see visual example at **Attachment A**). The research showed it stood out the most, was the easiest to understand, had the greatest power to prompt a reaction and was the most effective in conveying the seriousness of health risks. Also see section 4 of this paper for further information. For back of pack, the 2008 Evaluation demonstrated that the current 90 per cent warnings were effective at that size and will therefore be retained.

Additional research supporting the increase in size for graphic health warnings includes research from Germain et al on adolescents' perceptions of smoking. The study found that cigarette pack appeal 'was reduced ... when the size of the graphic health warning on the plainest pack was increased from 30 per cent to 80 per cent of the pack face'.<sup>46</sup> Similar findings were revealed in a New Zealand study of young adult smokers which found that young smokers shown a pack with the brand name in standardised font and 75 per cent graphic health warnings were significantly more likely to cease smoking (i.e. was considered unattractive) than those who saw a fully branded pack with 30 per cent graphic health warnings.<sup>47</sup>

### **5.2.2 – Cigarette pack/carton rotation**

The 2008 Evaluation indicated that the rotation of the warnings every 12 months was working well and was supported by key public health experts. The requirement that each message should appear as nearly as practicable on an equal number of packages within a period will also be retained. The information messages will form part of the rotation system. Rotation requirements will apply to other tobacco products as indicated in **Attachment A**.

### **5.2.3 –Information messages**

The current single information message required on some packs tested poorly in the 2008 Evaluation. The content of the messages were also out of date and did not accurately reflect current knowledge on tobacco product constituents and emissions. The proposed set of information messages were revised, refined and selected based on the scientific evidence and market research findings and are a mix of both new and familiar information about the toxic chemicals in tobacco smoke and their health effects.

### **5.2.4 - Cigars (in packs and sold singly)**

Health warnings currently appear on the bottom portion of cigar packaging. According to market research - on small packaging, when the front face had a graphic with a warning statement and the back had a warning message on red background (instead of a graphic), the explanatory message was more likely to be read. The Proposed Standard will give warnings on the front of cigar and cigarette packaging a similar visual appearance, supporting the public health message that cigars are not a safe alternative to cigarettes.

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<sup>46</sup> Germain D et al 2009, 'Adolescents' perceptions of cigarette brand image: does plain packaging make a difference?', *Journal of Adolescent Health*, 2009, pp 1- 8.

<sup>47</sup> Hoek J, Wong C, Gendall P, et al 2010, 'Effects of dissuasive packaging on young adult smokers', *Tobacco Control* doi: 10.1136/tc.2010.037861.

For single cigar tube packaging, market research recommended text only warnings, noting that the layout and format of the text-only warnings tested was sufficient to communicate the intended health message. Given the packaging shape and size of single cigar tube packaging, graphic health warnings had limited impact and was difficult to understand as the package had to be turned to be read and the image was difficult to decipher given the curvature of the package.

#### ***5.2.5 - Other smoked tobacco products not specified elsewhere***

Two different shapes and sizes of graphic health warnings were tested: small round tins (75 per cent of the face in a curved shape adjusted to suit the round tin); and a rectangular shaped warning (in the centre of the face at approximately 55 per cent (to enable other required labelling elements to also fit on the face)). The recommended shape - rectangular shaped health warning (while smaller than the curved 75 per cent warning), was able to communicate the health message more effectively and is proposed to be displayed as a 60 per cent warning in the rectangular shape to address market research findings that noted the small font size of the explanatory message made it less inviting for smokers to read than the other warnings tested. Packaging for other smoked tobacco products will also now be required to display all 14 graphic health warnings that rotate in two sets of seven warnings every 12 months. There will also be an increase in size for the rotating information message/s on some products for message legibility and comprehension.

#### ***5.2.6 - Bidis***

Graphic health warnings covering 75 per cent of a cone shaped bidi package was market tested. The research recommended text only warnings on bidis as the graphic health warnings had limited impact and was difficult to understand as the package had to be turned to be read and the image was difficult to decipher given the curvature of the package.

#### ***5.2.7 - Smokeless tobacco***

The current Standard only specifies requirements for nasal snuff. In line with the proposed definition of tobacco, all smokeless tobacco products that are legal for retail will be required to carry a health warning.

#### ***5.2.8 - Text requirements and Source Attribution Statement***

See sections 8.8 and 8.9 of this paper for further information.

## 6 - Regulatory approach, scope and timing of proposed changes

### 6.1 - Regulatory approach

The current Standard requires retail packages of tobacco to contain certain health warnings in relation to the effects of tobacco smoking as well as explanatory statements relating to those health effects. The current Standard also specifies the format, positioning, size and orientation of the warning messages on tobacco packaging.

The most substantial proposed change is to improve the effectiveness of warning statements and graphics by replacing them with new warnings and images. Despite the reduction in smoking over the past thirty years, the reports from both the 2008 Evaluation and the 2009 Preventative Health Taskforce indicate that some information in the current warnings is out of date. The impact on consumers of the existing health warnings has also lessened over time and leaving the current health warnings in place could therefore result in a relative rise in tobacco related injuries and deaths over time.

The Proposed Standard is substantially similar in the nature of its requirements to the current Standard.

An Instrument containing the Proposed Standard is currently being drafted and will be published on [www.productsafety.gov.au](http://www.productsafety.gov.au) for comment.

### 6.2 - Scope - products to be covered under the Proposed Standard

In addition to the existing products covered by the current Standard, the Proposed Standard will also now apply to cigars sold singly. FCTC Guidelines for packaging and labelling state ‘There should be no exemptions for small-volume companies or brands or for different types of tobacco products.’<sup>48</sup>

#### 6.2.1 - Definition of tobacco

It is proposed that the definition of tobacco be updated and drafted to have the same/similar meaning as the definition proposed for ‘tobacco product’ in the plain packaging legislation. The intention is that any products containing tobacco, no matter how small the amount, should be required to have health warnings.

The definition for ‘tobacco product’ in the Tobacco Plain Packaging Bill 2011 is:

***tobacco product*** means processed tobacco, or any product that contains tobacco, that:

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<sup>48</sup> Clause 36, ‘WHO Guidelines for implementation of Article 11 of the WHO FCTC Packaging and labeling of tobacco products’ <[http://www.who.int/fctc/guidelines/article\\_11.pdf](http://www.who.int/fctc/guidelines/article_11.pdf)>.

- (a) is manufactured to be used for smoking, sucking, chewing or snuffing; and
- (b) is not included in the Australian Register of Therapeutic Goods maintained under the *Therapeutic Goods Act 1989*.

Note: Loose tobacco for roll-your-own cigarettes is an example of processed tobacco. A cigar or cigarette is an example of a product that contains tobacco.

### 6.3 - Scope commencement/ application

The Proposed Standard is to be in place by the Government announced deadline of 1 January 2012, and to commence on 1 July 2012. This will provide a six month transition period that will give the industry sufficient time to become acquainted with the Proposed Standard, run out their existing stocks, adjust to the rotation system and make the necessary changes to their production, packaging and importing processes.

The current Standard will remain in place during the six month transition period prior to being revoked on 1 July 2012. This will enable products to comply with either Standard during the transition period. This period should also provide industry with an adequate opportunity to manage the range of issues associated with the changeover. From 1 July 2012, the Proposed Standard would take sole effect and only products complying with this standard could be legally supplied.

When a mandatory standard applies, a supplier must not supply or offer to supply goods or services that do not comply. If a Standard applies to consumer goods, and the goods do not meet that standard, a supplier also must not, for the purposes of trade or commerce: manufacture, possess, or have control of those goods. Section 2(1), Schedule 2 (ACL) of the CCA defines supply as:

supply, when used as a verb, includes:

- (c) in relation to goods—supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase; and
  - (d) in relation to services—provide, grant or confer;
- and, when used as a noun, has a corresponding meaning, and supplied and supplier have corresponding meanings.

### 6.4 - Other relevant regulations

The Proposed Standard is not intended to be inconsistent with:

- *Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Amendment Regulations 2009*;
- *Trade Practices Act 1974 - Consumer Protection Notice No 10 of 1991* – permanent ban on chewing tobacco and snuffs intended for oral use;
- any relevant State or Territory tobacco laws or regulations.

## 7 - Enforcement and Compliance

In 2008, COAG agreed to adopt a 'single law, multiple regulator' model for consumer protection laws in Australia. Under this, permanent bans and mandatory standards for consumer products would only be made by the Australian Government under the CCA but would be enforced by both the ACCC and State/Territory consumer protection agencies. This new agreement comprising a single national consumer law (ACL) and streamlined enforcement arrangements came into effect on 1 January 2011.

As agreed by COAG, mandatory standards are to be made by the Commonwealth Minister for Competition Policy and Consumer Affairs, in consultation with the States and Territories.

Under the CCA, contraventions, offences and remedies apply where there is a failure to comply with a mandatory standard. Penalties for failing to comply with a mandatory standard include a maximum fine of \$220 000 for an individual or \$1.1 million for a body corporate (civil penalties for the same amounts also apply). Unsafe consumer goods including those that do not comply with a mandatory safety standard may be subject to a recall (sections 122-127 of the ACL).

Under the ACL, the ACCC also has access to a range of other compliance and enforcement options, including:

- issuing an infringement notices
- issuing a public warning notice
- pursuing civil pecuniary penalties
- pursuing disqualification orders
- issuing a substantiation notice.

**Note:** While coverage of the legislation will be extended to all tobacco products - therapeutic goods aimed at helping people to quit their use of tobacco products; and products that contain nicotine but do not contain any tobacco, are excluded.

## 8 - Summary of the Proposed Standard for tobacco labelling

Specific draft details of the Proposed Standard are set out in the following pages. The ACCC is interested in receiving comments on the proposed new requirements.

### 8.1 - Proposed new requirements for cigarette packaging

#### 8.1.1 - Number of warnings

There are 14 new graphic health warnings proposed for cigarette packaging. The health warnings have been revised, refined and selected based on scientific evidence and a program of market research conducted during 2010 and 2011.<sup>49</sup> The proposed 7 new graphic health warnings for Set A and a representation of how they will appear on cigarette packaging is at **Attachment A**. As per the current health warning requirements, each warning includes a warning statement, corresponding graphic/s and a more detailed explanatory message. On the back of the packaging, an updated Quitline logo and phone number will be required on each image. The Department of Health and Ageing have indicated that the seven new graphic health warnings for Set B are planned to be available for inclusion in the final Instrument.

#### 8.1.2 - Size of warnings

The size of the front-of-pack warnings will increase to cover at least 75 per cent of cigarette packs. The warning statement will be required on the flip-top portion of the front of the pack with the graphic required directly below the flip-top. The 90 per cent back of pack warnings will remain.

#### 8.1.3 - Information messages for the side of cigarette packaging

There are new rotating information messages required for the side of packaging. It is anticipated that information messages will be paired with the 14 graphic health warnings. The text and background colour for the information message will change to black text on a specified yellow background and all will have the heading 'WARNING'. The draft new information messages and a representation of how they will appear on packaging is included in **Attachment A**.

#### 8.1.4 - Rotation system

The rotation of the health warnings on cigarette packs in two sets of seven warnings every 12 months will be retained. The requirement that each message should appear as nearly as practicable on an equal number of packages within a period will also be retained. The information messages will form part of the rotation system.

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<sup>49</sup> The market research was commissioned by the Department of Health and Ageing to explore consumer reaction to the proposed content of the graphic health warnings including colour and layout options. The research reports are not yet in the public domain. The reports when publically available will be found at [www.health.gov.au/tobacco](http://www.health.gov.au/tobacco).

Pack type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Cigarette packs	14 Revised graphic images	75% - Graphic * - Warning Statement (white text on black background; Helvetica font, bold and uppercase)  (Currently 30%)*	90% -Graphic -Warning statement (white text on red background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)  (Currently 90%)*	Yes Revised information messages (black text on yellow background)	2 sets of 7 GHW every 12 months

\* NB:

1. Includes current requirements where different to those proposed (does not refer to whether health warnings are different).
2. Front face is defined as that where the brand name appears.
3. Percentages represented are the minimum required.
4. For all product packs that require graphic/s on both front and back face, the Quitline logo and number will be required with the graphic on the back face only. For product packs that require graphic/s on one face only, the Quitline logo and number will be required to be placed with that graphic.

## 8.2 - Proposed new requirements for cigarette cartons

Consistent with the current Standard, the proposed content of warnings/information messages, the size of warnings and the rotation system for cartons is the same as requirements for cigarette pack warnings other than:

- the new rotating information message/s will continue to cover at least 25 per cent of one side of a carton (the side may be specified in the plain packaging regulations);
- no change to the warning layout on the back face of cartons; and
- to accommodate the change in size of warnings on the front of cartons proposed new layout/s will be specified in the Proposed Standard.

Pack type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Cigarette cartons	14 Revised graphic images	75% - Graphic * - Warning Statement (white text on black background)	90% -Graphic -Warning statement (white text on red background)	Yes Revised Information messages (black text on yellow background)	2 sets of 7 GHW every 12 months

		background; Helvetica font, bold and uppercase)	background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)	background)  25% of one side of a carton	
		(Currently 30%)*	(Currently 90%)*		

### 8.3 - Proposed new requirements for cigars

Proposed new requirements for all cigar packaging **except cigars sold singly in tube packaging:**

- 5 new cigar specific graphic health warnings.
- front and back of pack warnings will increase in size to cover at least 75 per cent of both faces;
- warnings will be required to be positioned at top of the front and back faces;
- front of pack warnings will require a warning statement and corresponding graphic/s with updated Quitline logo and phone number;
- back of pack warnings will require a warning statement and a more detailed explanatory message; and
- retention of requirement that each warning appear an equal number of times within a 24 month period.

As per the current Standard, the size of warnings for large retail packages of cigars (largest face of the package is at least 250cm<sup>2</sup>) will be in cm<sup>2</sup>. For the Proposed Standard, a reference to 75 per cent of the front and back face for these products will be 188cm<sup>2</sup> (approximately 75 per cent of 250cm<sup>2</sup>).

Pack type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Cigar packs	5 Cigar specific warnings	75% -Graphic - Warning Statement (white text on black background; Helvetica font, bold and uppercase)	75% -Warning statement (white text on red background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)	No	each GHW required to appear an equal number of times within a 24 month period

		Currently 25%. One exception - narrow packs only required graphic )	(Currently 33% One exception - narrow packs only required warning statement)		
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## 8.4 - Proposed new requirements for cigars sold singly

It is proposed that the exemption for cigars sold singly under the current Standard be removed. Cigars sold singly are sold either pre-packaged or placed into a bag and sealed at the point of retail.

### 8.4.1 - Retail bags for cigars sold singly

Retail bags for cigars sold singly will have the same health warning requirements as other cigar packaging outlined above.

### 8.4.2 - Tube packaging for cigars sold singly

Proposed new requirements for cigars sold singly in tube packaging:

- 5 text only warnings in white text on a black background;
- content would be the 5 warning statements required on other cigar packaging;
- positioned lengthwise along the pack;
- covering at least 95 per cent of the full length of the tube; and
- extending at least 60 per cent around the circumference of the tube; and
- each warning statement would be required to appear an equal number of times within a 24 month period.

Pack type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Single sale cigars in retail bags	5 Cigar specific warnings  (Currently no warnings required)	75% -Graphic - Warning Statement (white text on black background; Helvetica font, bold and uppercase)  (Currently no warnings required)	75% -Warning statement (white text on red background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)  (Currently no warnings required)	No	each GHW required to appear an equal number of times within a 24 month period (Currently no warnings required)
Single sale cigars in tubes	5 Cigar specific text-only	95% of full length and extending at least	No obvious back face	No	each GHW required to appear an

	warnings  (Currently no warnings required)	60% around circumference - white text on black background - positioned lengthwise along tube -Warning statement (Currently no warnings required)	(Currently no warnings required)		equal number of times within a 24 month period  (Currently no warnings required)
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## 8.5 - Proposed new requirements for other smoked tobacco products not specified elsewhere

### 8.5.1 - Pouches

Proposed new requirements for pouches:

- 14 new graphic health warnings with the same content as warnings required for cigarette packs;
- front and back of pack warnings will increase in size to cover at least 75 per cent of both faces;
- front of pack warnings will include a warning statement and a corresponding graphic/s;
- back of pack warnings will include a warning statement, corresponding graphic/s (with updated Quitline logo and phone number) and a more detailed explanatory message;
- rotation of the health warnings in two sets of seven every 12 months will be retained as per the rotation system for cigarette packs;
- new rotating information messages paired to each graphic health warning as per cigarette packs; and
- no size increase or position change for the information message, they will continue to be printed within a rectangle measuring at least 80mm by 25mm positioned either under the flap or on the inside surface of the flap.

### 8.5.2 - Large cylindrical package or tin (height of at least 41 mm)

Requirements as per pouches other than:

- the rotating information messages will cover at least 50 per cent of the base of the package.

### 8.5.3 - Small cylindrical package or tin (height less than 41 mm)

Requirements as per pouches other than:

- front and back of pack warnings for small cylindrical package or tins will be rectangular in shape and cover at least 60 per cent of both faces;
- front of pack warnings (lid) will include a warning statement and corresponding graphic/s with updated Quitline logo and phone number;
- back of pack warnings (base) will include a warning statement and a more detailed explanatory message; and
- information messages are not required.

### 8.5.4 - Package of a shape or size not otherwise mentioned

Requirements as per pouches other than:

- front of pack warnings will include a warning statement and corresponding graphic/s with updated Quitline logo and phone number;
- back of pack warnings will include a warning statement and a more detailed explanatory message; and
- product packaging that has more than two faces will have the rotating information message/s on 50 per cent of one side of the package.

Pack type	Number of Health Warnings	Front face *	Back face	Information message / location	Rotation system
Pouches	14 Same as for cigarettes	75% -Graphic * - Warning Statement (white text on black background; Helvetica font, bold and uppercase)  (Currently 30%)*	75% -Graphic -Warning statement (white text on red background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)  (Currently 50%)	Yes -Content as for cigarettes -Inside flap	2 sets of 7 GHW as per cigarettes
Large cylindrical shape with height of at least 41mm	14 Same as for cigarettes	75% -Graphic - Warning Statement (white text on black background; Helvetica font, bold and uppercase)  (Currently 30%)	75% -Graphic -Warning statement (white text on red background; Helvetica font, bold and uppercase)  -Explanatory message (white text on black background, upper and lower case)  (Currently 50%)	Yes - Content as for cigarettes  50% of base  (Currently 25% of base)	2 sets of 7 GHW as per cigarettes
Small cylindrical	14 Same as for	60% -Graphic	60% -Warning	No	2 sets of 7 GHW as per



Pack type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Any package shape or size	5 text-only warnings	White text on black rectangle measuring at least 50mm by 20mm positioned lengthwise along pack  -Warning statement (Currently Black text on white rectangle)	Nil	No	each GHW required to appear an equal number of times within a 24 month period

## 8.7 - Proposed new requirements for smokeless tobacco

Proposed new requirements for smokeless tobacco:

- 2 text only warning statements in white text on a black background;
- front and back of pack warnings will be required to cover at least 25% of both faces; and
- retention of requirement that each warning statement appears an equal number of times within a 24 month period.

Product type	Number of Health Warnings	Front face*	Back face	Information message / location	Rotation system
Any packaging shape or size containing smokeless tobacco legal for retail	2 text-only warnings  (Currently required for nasal snuff only)	25% of total area of face on the lid - White text on black background -text-only  Warning statement  (Currently black text on white background)	25% of total area of face on the lid- - White text on black background -text-only  Warning statement  (Currently no warning statement required on back face)	No	each GHW required to appear an equal number of times within a 24 month period

## **8.8 - Text requirements**

Where text is required in a health warning, the following applies:

- Be clear and legible in the same point size throughout the message;
- Be of such a size that the text fills, as nearly as possible, the background on which it is printed.
- In relation to information messages - for the words 'WARNING' - bold weight and in any other case normal or bold weight.

## **8.9 - Source Attribution Statement**

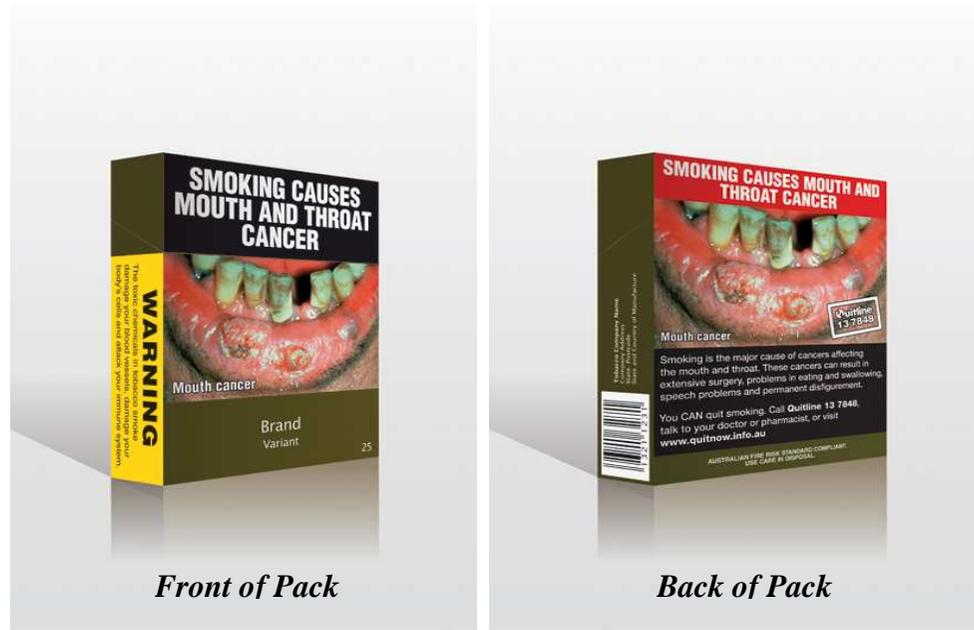
Internationally there are mixed views about whether a source attribution statement will increase credibility or reduce the impact of health warnings. The FCTC Guidelines for Article 11 indicate that country specific circumstances determine whether they should be used. In the 2008 Evaluation of the graphic health warnings, consumers were uncertain about the inclusion of the source statement and no evidence was found for a reason to include it as a result of the more recent market research.

Given these findings, and proposed larger health warnings on plain packaging, the use of the source attribution statement 'Health Authority Warning' will be removed to permit more space for the warning text.

## Attachment A: Proposed new graphic health warnings

The graphic health warnings in this attachment are for public consultation and are subject to final clearances. The images are low resolution representations of how they would be required to appear on packaging. Prior to finalisation, the images will be subject to professional enhancement. For some health warnings there are different images proposed for the front and back of packs. Where there is only one image, it is proposed for both front and back of packs. **All images in this paper are subject to copyright and are not to be reproduced without appropriate permission.**

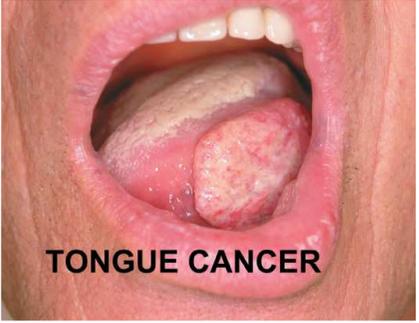
### A REPRESENTATION OF GRAPHIC HEALTH WARNING ON CIGARETTE PACK



NB: Packs are from the Tobacco Plain Packaging Bill 2011 consultation paper.  
The photographs above are representations only to be used as a basis for the new layout for cigarette packs.

## Proposed graphic health warnings for cigarette packs, cigarette cartons and other smoked tobacco products – Set A

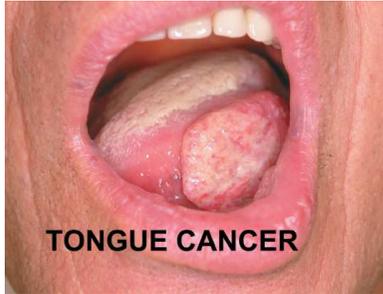
Warning Statement	Explanatory Message	Graphic	Information Message
<p><b>SMOKING HARMS UNBORN BABIES</b></p>	<p>Smoking during pregnancy reduces blood flow in the placenta and limits the oxygen and nutrients that reach the growing baby. Smoking increases the risk of miscarriage, stillbirth, premature birth, problems during the birth or the baby having a smaller brain and body.</p> <p>You CAN quit smoking. Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <b><a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></b></p>		<p>Tobacco smoke contains a toxic mix of chemicals that cause disease and early death in children and non-smoking adults exposed to the smoke.</p>
<p><b>SMOKING CAUSES BLADDER CANCER</b></p>	<p>Your body tries to remove the cancer-causing chemicals in tobacco smoke through your urine. This makes smoking a major cause of bladder cancer. Treatment may include removing your bladder and replacing it with a bag outside your body to collect your urine.</p> <p>Want to talk about quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <b><a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></b></p>		<p>The toxic chemicals from tobacco smoke can be found in your breath, blood and urine when you smoke.</p>

Warning Statement	Explanatory Message	Graphic	Information Message
<p><b>SMOKING CAUSES LUNG CANCER</b></p>	<p>Bryan was a teenager when he started smoking. Like many others he never thought it would kill him. He died aged 34, just nine weeks after he was diagnosed with lung cancer. He wanted others to know – ‘this is what happens to you when you smoke’.</p> <p>Want to talk about quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>		<p>10 drags per smoke x 20 smokes per day x 365 days per year = 73,000 toxic drags per year.</p>
<p><b>SMOKING CAUSES MOUTH CANCER</b></p>	<p>Smoking is a major cause of cancers of the mouth, throat, and voice box (larynx). Treatment can include surgery that may deform your face and neck or leave permanent scars. It can also leave you with problems breathing, eating, speaking, and coping with life.</p> <p>Want to talk about quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>		<p>Inhaling tobacco smoke releases benzopyrenes into your body. Benzopyrenes damage how your body protects itself from getting cancer.</p>

Warning Statement	Explanatory Message	Graphic	Information Message
<p><b>SMOKING CAUSES PERIPHERAL VASCULAR DISEASE</b></p>	<p>Smoking narrows and blocks your blood vessels, reducing blood and oxygen supply to your extremities (feet, legs, hands, arms). Over time this can result in pain, open sores that don't heal and gangrene. Gangrene leads to amputation.</p> <p>You CAN quit smoking. Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>		<p>The toxic chemicals in tobacco smoke can go everywhere that your blood flows, causing harm all over your body.</p>
<p><b>SMOKING CAUSES EMPHYSEMA</b></p>	<p>Smoking causes most cases of emphysema. Emphysema is the slow and permanent destruction of the airsacs in your lungs. Over time it becomes harder and harder to breathe. You slowly start to die from lack of air.</p> <p>Want help with quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>		<p>Tobacco smoke contains hydrogen cyanide. Inhaling hydrogen cyanide damages the cleaning system of your lungs, allowing toxic substances to build up in the lungs.</p>

Warning Statement	Explanatory Message	Graphic	Information Message
<p><b>QUITTING WILL IMPROVE YOUR HEALTH</b></p>	<p>Long term smokers can and do quit. Quitting smoking at any age has immediate and long term health benefits. Compared with a smoker, quitting today will halve your risk of:</p> <ul style="list-style-type: none"> <li>• heart disease (after one year);</li> <li>• mouth and throat cancer (after five years); and</li> <li>• lung cancer (after ten years).</li> </ul> <p>You CAN quit smoking. Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <b><a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></b></p>		<p>There are no known health benefits in smoking products that taste lighter, milder or less harsh. The smoke still contains a toxic mix of chemicals that cause death and disease.</p>

## Proposed cigar warnings

Warning Statement	Explanatory Message	Graphic
<p><b>CIGAR SMOKING CAUSES MOUTH CANCER</b></p>	<p>Cigar smoking causes cancers of the tongue, lip and other parts of your mouth. You can get these cancers without inhaling. Treatment can include surgery that may deform your face and neck or leave permanent scars.</p> <p>Want advice on quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>	 <p><b>TONGUE CANCER</b></p>
<p><b>CIGAR SMOKING CAUSES LUNG CANCER</b></p>	<p>Cigar smoking causes lung cancer, whether you inhale or not. Most people who get lung cancer die from it.</p> <p>Want to talk about quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>	 <p><b>LUNG CANCER</b></p>

Warning Statement	Explanatory Message	Graphic
<p><b>CIGAR SMOKING IS NOT A SAFE ALTERNATIVE</b></p>	<p>Smoking cigars causes death and disease whether you inhale or not. It increases your risk of heart disease, respiratory diseases and cancers of the mouth, throat and lung.</p> <p>Want help with quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <b><a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></b></p>	 <p>Image pending copyright © European Union.</p>
<p><b>CIGAR SMOKING CAUSES THROAT CANCER</b></p>	<p>Cigar smoking causes cancer of the throat and voice box (larynx). Treatment can include surgery that leaves you with problems breathing, eating, speaking and coping with life.</p> <p>Thinking of quitting? Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <b><a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></b></p>	

Warning Statement	Explanatory Message	Graphic
<p><b>CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS</b></p>	<p>Smoking causes inflammation of the gum and other tissue around your teeth (periodontitis). Symptoms can include gum redness, swelling, bleeding, infection and pain. The gum, bones and other tissue supporting your teeth can be destroyed resulting in tooth loss.</p> <p>You CAN quit smoking. Call <b>Quitline 13 7848</b>, talk to your doctor or pharmacist, or visit <a href="http://www.quitnow.gov.au">www.quitnow.gov.au</a></p>	

<p>Quitline logo to be overlaid on images</p>	
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