

27 July 2016

Ministry of Health
PO Box 5013
Wellington 6145

By email: standardisedtobacco@moh.govt.nz

Standardised Tobacco Products and Packaging Draft Regulations

Dear Sir/Madam

The New Zealand Medical Association (NZMA) wishes to provide feedback on the above consultation. The NZMA is New Zealand's largest medical organisation, with more than 5,500 members from all areas of medicine. The NZMA aims to provide leadership of the medical profession, and to promote professional unity and values, and the health of all New Zealanders. Our submission has been informed by feedback from our Advisory Councils and Board.

The NZMA is pleased that improved tobacco control in New Zealand is being supported and progressed through legislative processes and we welcome the opportunity to provide feedback on the exposure draft of the proposed regulations which will set out the detailed requirements for standardised tobacco products and packaging.

We strongly support the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, introduced in 2013, and while we remain disappointed that it has yet to have its second reading in the House, we acknowledge the Government's commitment to complete the legislative process now. In our 2014 submission¹ on the Bill we noted the strong evidence to support plain packaging, and we reconfirm our support of all measures that protect the community and future generations from exposure to tobacco industry marketing.

We also realise that some submitters may choose to emphasise possible expropriation of their intellectual property. While we fully acknowledge their right to do so, we wish to again emphasise the important health dimensions of tobacco promotion and use – which indeed is the NZMA's job to do so. Any expropriation occurring must be balanced against both the immense losses to NZ society from the life years lost, quality of life lost, through premature death and pre-fatal disease from tobacco, and the huge costs to the NZ health sector from tobacco-induced illness. Losses to the tobacco industry will pale in comparison, and we await the health sector receiving compensation for those past harms and opportunity costs.

¹ NZMA submission to Parliament's Health Select Committee on the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill, 2014. http://www.nzma.org.nz/_data/assets/pdf_file/0018/26532/sub-Smoke-free-Environments-Tobacco-Plain-Packaging-Amendment-Bill.pdf

We do not have the marketing expertise to assess the detail in this consultation, however we note the introductory comment that the proposals align with the regulatory regime in Australia and therefore the packaging should be substantially the same. Given the emerging evidence in Australia² of the effectiveness of their legislation, implemented in 2012, this gives us some confidence that the New Zealand regulations will fulfil the objectives of the Bill when it is passed.

The NZMA's support of these proposals therefore rests on the close alignment with the Australian regime. We would have major concerns if, following this consultation, there was a deviation from this unless that change further reduced the impact of tobacco marketing.

We hope our feedback has been helpful and look forward to learning the outcome of this consultation.

We confirm that the New Zealand Medical Association has no links to the tobacco industry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Child', written in a cursive style.

Dr Stephen Child
NZMA Chair

² Young JM, Stacey I, Dobbins TA, Dunlop S, Dessaix AL, Currow DC. Association between tobacco plain packaging and Quitline calls: a population-based, interrupted time-series analysis. *MJA*, 2014; 200:29–32. Durkin S, Brennan E, Coomber K, Zacher M, Scollo M, Wakefield M. Short-term changes in quitting-related cognitions and behaviours after the implementation of plain packaging with larger health warnings: findings from a national cohort study with Australian adult smokers. *Tobacco Control*, 2015; 24:ii26 – ii32.