

Bevelled and Rounded Edges – Non-paper for discussion by the Tobacco Products Committee and the Expert Group on Tobacco Policy

Version of 2 Dec. (following discussions with Member States' representatives/experts on 15 Oct. 2015)

Disclaimer: Please note that the information in this non-paper reflects the internal assessment of DG SANTE, does not engage the Commission, and does not constitute a definitive interpretation of Directive 2014/40/EU which can only be given by the Court of Justice of the European Union.

- Article 14 of Directive 2014/40/EU requires that unit packets of cigarette shall have a cuboid shape. Recital 28 states that *'when prescribing a cuboid shape for a unit packet, rounded or bevelled edges should be considered acceptable, provided the health warning covers a surface area that is equivalent to that on a unit packet without such edges'*.
- Article 10(1)(c) requires that combined health warnings *'cover 65% of both the external front and back surface of the unit packet and any outside packaging'*. Art. 10(1)(g)(ii) requires a minimum width of 52 mm for combined health warnings on cigarette packages.
- From our reading, this means that combined health warnings may not be printed on the rounded or bevelled edges of packages, especially considering that the edge of a packet is not part of the 'front' or 'back' surface of the package, but a surface of its own.
- This view is also supported by the explicit/implicit intention of the co-legislators to limit the appeal of packages to young people and to avoid distortions for health warnings. The health warnings should be as visible and as effective as possible (Article 8(3) and Recital 25).
- Printing on bevelled and rounded edges would mean that the text and picture of the combined health warning are printed across a fold/curve in the packaging affecting their visibility. This is particularly the case in countries with smaller text due to multiple language warnings (see Figure 1 illustrating a bevelled edged package with a combined health warning under the Directive 2001/37/EC regime). The requirements of Directive 2014/40/EU, which stipulate a 1mm rather than 3-4mm border, would further affect the visibility of health warnings compared to Directive 2001/37/EC. From the scientific literature and internal industry documents, it is well-known that bevelled and rounded edges are more attractive to consumers and convey the impression of a more luxurious product. One study has also found that they distract more from health warnings than packages without such edges.¹
- A similar approach (no printing of health warnings on bevelled and rounded edges) is taken in Singapore, where health warnings must not extend over bevelled or rounded edges.²
- Industry has argued that they should be allowed to extend warnings across rounded and bevelled edges because it was not prohibited under Directive 2001/37/EC. However Directive 2001/37/EC does not contain any explicit provisions on rounded or bevelled edges nor does it specify that warnings be printed on 'front' or 'back' surfaces. The Directive rather requires that warnings be printed on the two most visible surfaces and be surrounded by a 3 to 4mm border. The old Directive thus does not create a precedent that would still be valid under the new Directive.
- In practice, this may mean that the dimensions of packages with bevelled or rounded edges may need to be widened to comply with the minimum dimension of 52mm for combined health warnings on cigarette packages (Article 10(1)(g)). It also means that the height of the combined health warnings may require an increase as the surface of the health warning is calculated on the basis of a pack without such edges. Please see Figure 2, which explains the calculations.

1 Kotnowski K, Hammond D (2013). The impact of cigarette pack shape, size and opening: evidence from tobacco company documents. *Addiction*, 108: 1658–68. Borland R, Savvas S, Sharkie F, Moore K (2013). The impact of structural packaging design on young adult smokers' perceptions of tobacco products *Tobacco Control*, 22: 97-102.

2 Tobacco (Control of Advertisements and Sale) (Labelling) Regulations 2012. S 419/2012.

<http://statutes.agc.gov.sg/aol/download/0/0/pdf/binaryFile/pdfFile.pdf?CompId:96680352-d4cf-432e-8d56-431c7cd9aa92>

Figure 1. Photograph of a Belgian package with bevelled edges.



Figure 2. Dimensions of combined health warnings on the back of a standard (Pack A) and bevelled edged (Pack B) cigarette package. The bevels on pack B are 1.5mm wide on each side. Please note that this figure is for illustrative purposes only and the warnings may not be exactly to scale.

