

Department of Health, United Kingdom

– electronic contribution – rec. 317 - by Mr Lee McGill

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Question 1 - scope

Problem definition	Which option	Recommend option	Additional comments
Yes	No change	The key features of the Tobacco Product Directive should apply to all tobacco products, whether smoked or not.	The UK supports Option 1: The Tobacco Products Directive should deal only with tobacco products (whether smoked or non-smoked). The scope of the Directive should not be extended to cover other smoked products (which almost certainly will be marginal products such as herbal cigarettes) or non-tobacco products that deliver nicotine (that are already or could be regulated satisfactorily under pre-existing regulatory frameworks such as medicines safety legislation).

Question 2 – smokeless tobacco

Problem definition	Which option	Additional option	Additional comments
Yes	No change	No further observations.	The United Kingdom has concerns about the safety and highly addictive potential of both smoked and non-smoked tobacco products. While smoking tobacco carries the greatest health risks for the tobacco user, the Opinion of the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) of February 2008 highlights the health risks that are associated with the use of smokeless tobacco. Concerns also exist around the appeal of non-smoked tobacco to young people.

			<p>We support Option 1: The current prohibition on the marketing of tobacco for oral use throughout the European Union (with the exception of Sweden) is operating satisfactorily and, given the health risks associated with the use of oral tobacco and the appeal of these products to young people, believe there are good reasons to maintain the status quo. On a population level, the use of other forms of smokeless tobacco is marginal, although smokeless tobacco products are used significantly by certain ethnic groups. The United Kingdom will consider arguments made for and against prohibition of all smokeless tobacco products.</p>
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Question 3 – consumer info

Problem definition	Which option	Which improvement	Additional option	Additional comments
Yes	Improve consumer information	Tar, nicotine and carbon monoxide levels to be replaced with general information on harmful substances in tobacco products	<p>Either options 1 and 2, or options 1 and 3 in the consultation document are not mutually exclusive. According to research reports, one of the key benefits of plain or standardised packaging is that health warnings would be more prominent. Options around the revision of the Tobacco Products Directive include moving forward with plain or standardised packaging jointly with options 1 or 2. All tobacco products, including smokeless and niche smoked products (such as water pipe tobacco and cigars) should be required to carry health warnings.</p>	<p>Option 2a: The United Kingdom requires picture warnings on all smoked tobacco products to maximise information available to the consumer about the harm of smoking. The United Kingdom will consider arguments made for increasing the size and changing the location of warnings on tobacco packaging if there are good reasons to believe such changes will have beneficial impacts on the behaviour of tobacco users. Option 2b: The United Kingdom strongly supports the replacement of tar, nicotine and carbon monoxide (TNCO) data on the pack with a more meaningful</p>

			<p>Member States, as a minimum, should be able to require such products to carry picture health warnings from a European library of warnings.</p>	<p>statement about the harms of tobacco use, and information on smoking cessation services including telephone and web addresses of services. The inclusion of TNCO data can be misleading to consumers. Option 2c: The United Kingdom will consider arguments made for requiring information on harmful substances in tobacco products to be placed inside the package, particularly if there are good reasons to believe such a requirement will have beneficial impacts on the behaviour of tobacco users. Option 2d: The United Kingdom will consider arguments made for requiring health warnings on water pipes, particularly if there are good reasons to believe such a requirement will have beneficial impacts on the behaviour of tobacco users. There are likely to be practical obstacles that will need consideration to move forward with such a proposal. Option 3: Since the prohibition of tobacco advertising, the only way that tobacco products can be promoted in the United Kingdom is at the point of sale. The United Kingdom Government will look at whether the plain packaging of tobacco products could</p>
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				<p>be an effective way to reduce the number of young people taking up smoking and to help those who are trying to quit smoking. The United Kingdom wants to make it easier for people to make healthy choices but will clearly need to make sure that there is good evidence to demonstrate that plain packaging would have a public health benefit as well as carefully exploring all the costs and benefits, the competition, trade and legal implications of the policy. Details on how the United Kingdom proposes to proceed with plain packaging will be set out in early 2011.</p>
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Question 4 – reporting

Problem definition	Which option	Additional option	Additional comments
Yes	Establish a common compulsory reporting format		<p>Option 2: The United Kingdom would be in support of measures to make the reporting of ingredients as simple as possible across Europe.</p> <p>Option 3: The United Kingdom is not opposed in principle to the idea of levying the tobacco industry to facilitate data collection and analysis of data on tobacco ingredients. However, more consideration needs to be given, particularly to the practicalities of such a requirement.</p>

Question 5 – ingredients

Problem definition	Which option	Recommend option	Additional comments
Yes	No change		The options box above was a compulsory reply one. Therefore, although we chose the 'no change' option (as the one nearest to our position at this time - that is 'position to be decided'), the United Kingdom currently has no observations to make and will consider the arguments presented for and against each of the options presented in the consultation.

Question 6 – access to tobacco products

Problem definition	Which option	Additional option	Additional comments
Yes	No change	We have ticked the 'no change' option as the options box above was a compulsory reply one. However, the situation for the UK is rather more complex than ticking one of the available options, as set out below	The key consideration for this part of the consultation is around the ease with which young people have access to tobacco products. In the United Kingdom, the majority of smokers start smoking regularly before turning 18. A key aspect of tobacco control needs to be reducing the easy access that people under 18 can have to all tobacco products. Current UK position. Recent legislation to stop tobacco sales from vending machines will come into effect in England on 1 October 2011, so removing an easy source of cigarettes from under-age smokers and a source of temptation for adults trying to quit. A legal challenge to this legislation was recently dismissed by the Court. The options around the display of tobacco in shops in the United Kingdom are currently under consideration, recognising the need to take action both to reduce tobacco consumption and to reduce burdens on businesses. An announcement about moving forward with tobacco display legislation in England will be made

			<p>shortly. Additional views: Tobacco vending machines: Young people have been found to be easily able to access tobacco from vending machines in the United Kingdom. Legislation has been made to stop the sale of tobacco from vending machines in England, which will come into force in October 2011. Stopping the sale of tobacco from vending machines is likely to both reduce the access that young people have to tobacco and support adult smokers who want to quit by removing a source of temptation.</p> <p>Display of tobacco in shops: Tobacco packaging has an important role in the continuing promotion of tobacco products. As proposals in this area are currently under consideration in the United Kingdom, no further observations will be made at this stage. Cross-border retail sales: The sale of tobacco products by any means should be subject to adequate age checks to ensure young people do not have access. The sale of tobacco through the internet means tobacco can be accessed from places where prices are cheaper, reducing the public health impact of high tobacco tax policies. The United Kingdom will consider arguments made for and against requiring either further controls or a prohibition on the sale of tobacco products via the internet, particularly if there are good reasons to believe such measures will reduce the access young people have to tobacco.</p>
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