



Consultation on standardised packaging of tobacco products

Equality Impact Assessment

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DH INFORMATION READER BOX		
Policy	Clinical	Estates
HR / Workforce Management	Commissioner Development Provider Development	IM & T Finance
Planning / Performance	Improvement and Efficiency	Social Care / Partnership Working
Document Purpose	Consultation/Discussion	
Gateway Reference	17194	
Title	Consultation on standardised packaging of tobacco products	
Author	Department of Health	
Publication Date	16 April 2012	
Target Audience	PCT Cluster CEs, NHS Trust CEs, SHA Cluster CEs, Directors of PH, Local Authority CEs, Businesses, Public Health Organisations, Academics, Members of the Public	
Circulation List	Care Trust CEs, Foundation Trust CEs , Medical Directors, Directors of Nursing, Directors of Adult SSs, PCT Cluster Chairs, NHS Trust Board Chairs, Special HA CEs, Allied Health Professionals, GPs, Communications Leads, Directors of Children's SSs, Voluntary Organisations/NDPBs	
Description	A consultation to consider options to reduce the promotional impact of tobacco packaging, including standardised (or "plain") packaging. The consultation is being run on a UK-wide basis by the Department of Health with the agreement of the Devolved Administrations	
Cross Ref	Healthy Lives, Healthy People: A Tobacco Control Plan for England	
Superseded Docs		
Action Required		
Timing	Closing date for consultation responses is 10 July 2012	
Contact Details	Tobacco Packs Consultation Department of Health 7th Floor Wellington House 133-155 Waterloo Road London SE1 8UG http://consultations.dh.gov.uk	
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Equality Impact Assessment

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Equality Impact Assessment

Background

In March 2011, the Government published *Healthy Lives, Healthy People: A Tobacco Control Plan for England*. This contained a commitment to consult on options to reduce the promotional impact of tobacco packaging, including plain packaging.

Research evidence suggests that standardised packaging of tobacco products can reduce the appeal of tobacco products, increase the effectiveness of health warnings on tobacco packages and reduce the ability of tobacco packages to mislead consumers about the harmful effects of smoking. Of particular concern is the impact of tobacco packaging on young people who might not yet be in a position to make properly informed or considered lifestyle choices.

The regulation of packaging, therefore, represents a policy option as part of a wider comprehensive tobacco control strategy, to improve public health by reducing tobacco use. Across the United Kingdom, we wish to explore whether further policy action should be taken on the packaging of tobacco products. The results of this consultation will contribute to the future formulation of tobacco control policies.

Short description of policy

The Government will look at whether the plain packaging of tobacco products could be effective in reducing the number of young people who take up smoking and in supporting adult smokers who want to quit. The Government wants to make it easier for people to make healthy choices but wants to understand whether there is evidence to demonstrate that plain packaging would have an additional public health benefit.

While "plain packaging" is a term commonly used in connection with policies about regulating tobacco packaging, in practice packs would not actually be plain; for example, they would be required to have coloured picture warnings and would still allow a standardised brand name to appear on packs. The term "standardised packaging" is therefore considered to be a more accurate description and is used throughout the consultation.

The consultation will explore the competition, trade and legal implications, and the likely impact on the illicit tobacco market of options around tobacco packaging. The Government has an open mind about requiring the standardised packaging of tobacco products, and the results of the consultation will contribute to the future formulation of tobacco control policies.

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The consultation sets out a proposed approach to standardised packaging of tobacco, as an illustration of what tobacco packaging might look like if the policy were to be pursued following the consultation. The proposed approach is:

- All internal and external packaging to be in a prescribed colour/s (details would be set out by the Government in the future).
- All text on the pack, including brand names, to be in a standard colour and typeface (specifications including maximum size of type would be set out by the Government in the future).
- No branding, advertising or promotion to be permitted on the outside or inside of packs, or attached to the package, or on individual tobacco products themselves. For this purpose 'branding' includes logos, colours or other features associated with a tobacco brand.
- Any foils within a pack to be of a standard format and colour with no text permitted (specifications would be set out by the Government in the future).
- Packs to be of a standard shape and opening, and possibly manufactured with particular materials (specifications would be set out by the Government in the future).
- Only the following information or markings to be permitted on packs (specifications would be set out by the Government in the future):
 - a brand name;
 - a product name;
 - the quantity of product in the packaging;
 - the name and contact details of the manufacturer;
 - one barcode to facilitate sale and stock control;
 - health warnings as currently required;
 - tar, nicotine and carbon monoxide (TNCO) yield information as currently required;
 - product identification marking as currently required;
 - fiscal mark requirements as currently required; and
 - markings not visible to the naked eye to assist with the identification of genuine, duty paid products, or other features to prevent fraud (details would be set out by the Government in the future).
- Any wrapper around the pack to be transparent and colourless, without any other markings visible to the naked eye.

Assessment of the impact on equality

This assessment of the impact on equalities accompanies the consultation which the Government is launching to consider options to reduce the promotional impact of tobacco packaging. A separate consultation-stage Impact Assessment (IA) describes the potential costs and benefits of requiring standardised tobacco packaging of cigarettes and hand rolling tobacco, and provides an early evaluation of the policy. Comments are invited on the IA as part of the consultation exercise.

It is difficult to fully scope and measure the costs and benefits of the policy at this early stage in policy development, not least because a policy of standardised tobacco packaging has not yet been adopted anywhere in the world. Therefore if, following consultation, Ministers decide to take further action, the impact assessment would be revised and updated as the policy develops and more evidence is gathered. This will include taking account of consultation responses once the consultation has closed and all the responses have been considered.

This assessment of the impact on equality will also be revised and updated if a decision is made to take further action, and will take into account any relevant further evidence and responses to the consultation.

Negative impact

How could the policy have a significant negative impact on equality in relation to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation or socio-economic groups?

The objective of standardised tobacco packaging would be to deter young people from starting to smoke and to support adult smokers who want to quit (and prevent relapses among those who have quit), ultimately reducing the overall consumption of tobacco products. If effective, it could improve the health of those not starting and those quitting smoking. An additional benefit could be a reduction in exposure to secondhand smoke from reduced rates of smoking. While exposure to secondhand smoke is harmful to anyone, children are particularly vulnerable to the health conditions it can cause.

Therefore if a requirement for standardised packaging were to be adopted, it would apply universally. At this early stage of policy development, there is not enough detail to understand what the full effects of standardised packaging might be in equalities terms, however possible areas for consideration have been set out below, in line with the Public Sector Equality Duty to have due regard to potential negative impacts on protected groups.

In a previous assessment of impacts on equality, in relation to restrictions on the display of tobacco at point of sale, it was noted that there may be potential for a negative impact on equality in relation to ethnicity, as many smaller businesses selling tobacco are owned by

Asian families. Any future regulations to standardise the packaging of tobacco products are not expected to have a negative impact to this group in terms of costs from refitting shops. However, as set out in the accompanying IA, there could be a negative impact on this group if small shops are particularly affected by a decrease in tobacco sales.

There could be a potential negative impact on partially sighted people if they can no longer recognise their usual brand of tobacco if colours and logos are removed from the packaging.

There could be a similar negative impact for those who cannot read or understand written English, whether this is because of disability or race, if they can no longer recognise their usual brand of tobacco from brand name alone.

There may be the potential for a negative impact on equality in relation to socio-economic groups, if a policy of standardised packaging were to have the effect of increasing the availability of illicit tobacco. If availability of illicit tobacco increased, this could undermine the impact of high priced tobacco as a disincentive to use tobacco, particularly for those in poorer groups who are more likely to access illicit tobacco.

At this stage of policy development there is not enough evidence to say whether these impacts would arise or not, and therefore these impacts will need to be re-considered after the consultation, if the policy develops further. The consultation will ask interested parties for evidence on potential impacts in relation to the public sector equality duty, and also on the possible impact of standardised packaging on the availability of illicit tobacco.

Depending on the evidence received through the consultation, further specific consultation with stakeholder groups may be needed, in order to determine the potential impacts of the policy and possible ways to mitigate any negative effects that are identified.

Positive impact

Could the policy have a significant positive impact on equality by reducing inequalities that already exist? In particular, in relation to the overall duty to:

- **Promote equal opportunities**
- **Get rid of discrimination**
- **Get rid of harassment**
- **Promote good community relations**
- **Promote positive attitudes towards disabled people**
- **Encourage participation by disabled people**
- **Consider more favourable treatment of disabled people**
- **Promote and protect human rights**

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The policy objective of standardised tobacco packaging is to improve public health for all groups by deterring young people from starting to smoke and supporting adult smokers who want to quit (and to prevent relapses among those who have quit), ultimately reducing the overall consumption of tobacco products and therefore also reducing exposure to secondhand smoke.

A policy of requiring standardised packaging for tobacco would look to improve public health for all groups.

Smoking is the single biggest cause of inequalities in death rates between the richest and poorest in our communities. Smoking is also responsible for the largest proportion of the excess mortality of people with a mental illness. If a policy of standardised tobacco packaging reduced the overall consumption of tobacco, this may help to narrow these inequalities by reducing smoking prevalence across all social groups.

There is some evidence to suggest that while both males and females find plain packs less appealing than branded packs, females may find plain packaging particularly unattractive. Similarly, younger people may be more affected by plain packaging than older people. If these negative attitudes to tobacco in standardised packets led to a reduction in smoking prevalence in these groups, then there could be a greater positive impact on women and children (of both sexes) than on men.

Evidence

What is the evidence for your answers to the above questions?

Smoking is the main cause of preventable illness and premature death. It causes 87,000 deaths a year in England alone. Nicotine is highly addictive causing people to continue smoking in spite of the consequences, and 8 out of 10 people take up smoking before the age of 19. In 2010 5 per cent of children aged 11-15 in England were regular smokers (having smoked at least one cigarette in the last week).

Smoking is the primary reason for the gap in healthy life expectancy between rich and poor. Those from the most disadvantaged backgrounds are twice as likely to smoke as those from the highest income groups. Moreover, people in the routine and manual occupational groups are more likely to take up smoking at an early age. Poorer smokers are also more likely to use illicit tobacco.

If children grow up in homes where smoking by adults is the norm, they are more likely to become smokers themselves and to take up smoking at an earlier age. This perpetuates smoking into new generations. A 15 year-old living with a parent who smokes is 80 per cent more likely to smoke than one living in a household where no one smokes. In England, around one third of children under the age of 16 years live with someone who smokes. Smokers in the routine and manual group took up smoking at a younger age than those in other groups. In 2006, 40% of the smokers in the routine and manual group took up smoking by the age of 16 compared with 31% in the managerial and professional group.

Smoking rates are high in other population groups, such as among lesbian, gay and bisexual people. Smoking by gay men is believed to be twice that of wider population levels.

Smoking by people with a mental illness is a tremendous problem that goes largely ignored. Smoking prevalence rates for the general population are 21%. Smoking rates for people with a depressive or anxiety disorder are 32%, 40% for those with a probable psychosis, 46% for those with alcohol dependency, 69% for those with illicit drug dependence and 57% for those attempting suicide in the previous year. Mental disorders are the most significant risk factor in uptake of smoking in children and young people. Smoking is six times more common in those with conduct disorder and four times more common in those with emotional disorder. This means that 43% of smokers under 16 are from the 10% of children with conduct and emotional disorder.

Smoking is also higher in certain ethnic groups, in particular Bangladeshi and Pakistani men and Irish men and women.

Giving up smoking or not starting smoking in the first place can increase people's sense of self-efficacy and consequently promote health and wellbeing.

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What further research or data do you need to fill any gaps in your understanding of the potential or known effects of the policy? Have you thought about commissioning new data or research?

To inform policy development and responses to the consultation, the Department of Health (DH) has commissioned a systematic review of the evidence on plain tobacco packaging. The review was supported through the Public Health Research Consortium (PHRC), a network of researchers funded by the Department of Health's Policy Research Programme. The lead teams on the review were from the University of Stirling, the University of Nottingham and the Institute of Education, London. The PHRC report represents the work and views of the authors, not necessarily those of the Department of Health.

The consultation is intended to give the Department a better understanding from stakeholders about the potential impact of the policy, and information received through consultation will be used to inform policy development, along with any later research which becomes available.

Potential areas for further research might include consideration of the differential impact of branding on particular groups. For example, research might look at whether different socioeconomic groups, different ethnicities or different genders have different attitudes to plain packaging and whether this might inspire a greater or lesser response to such measures.

Depending on the evidence received through the consultation, further specific consultation with stakeholder groups may be needed, in order to identify possible ways to mitigate any negative effects identified. For example, to mitigate any potential negative impact for partially sighted people, we may consult the [Royal National Institute of Blind People](#) on the legibility and size of typeface which might be used on packaging.

Next steps

This is an initial assessment of the impact on equality to help inform responses to the consultation. If a policy of standardised tobacco packaging is pursued following the consultation, as explained above it is not assumed that this will have any significant impact on any particular aspect of equality. We will consider the responses to the consultation and update this assessment as necessary.

Some of the potential areas which may need further research have also been laid out above (see 'Evidence').