



8 May 2010

John Stribling
Ministry of Health
PO Box 5013
Wellington 6145

Dear John,

re Ministry of Health's Consultation on

PROPOSAL TO BAN TOBACCO RETAIL DISPLAYS IN NEW ZEALAND

End Smoking NZ welcomes the opportunity to submit its views on the future of tobacco retail displays.

We fully support a ban on all retail displays of cigarettes and tobacco in the immediate future. (exception smokeless tobacco products, and recreational nicotine products imported as tobacco products under SFE Act).

We support the 2008 majority recommendation of Parliament's Health Select Committee to put cigarettes and tobacco products out of sight, and ask that Parliament do so without further delay,

Health groups have been pushing for this for seven years now. If 118 MPs support a tax on tobacco, we believe a majority will support a ban on displays of cigarettes and tobacco this year.

We regard this as a stop-gap necessary measure, until government finally bans the sale of all commercial cigarettes and smoking tobacco by 2020 at the latest.

Rationale and Justification

- These products are lethal and addictive, and not fit for display and enticement of young people and recent quitters;
- Display is a form of advertising, banned by the Smokefree Environments Act 1990.
- Any move to end display may be taken as the final completion of the advertising and promotion bans initiated by the 1990 Act. It will remove any complicity of society and of government in permitting the promotion of lethal tobacco products for smoking.

Size of effect

The expected reduction in sales even if only a few percent will be worthwhile: With 5000 deaths a year from tobacco even a 1 percent decrease in sales eventually means 50 fewer premature deaths and a similar burden of disease and illness in addition.

Trustees: Dr Murray Laugesen QSO, Ms Trish Fraser, Dr Marewa Glover, Prof Ross McCormick, Sir John Scott

- The opposition from all cigarette firms suggests that a display ban will decrease sales volumes to some extent.
- **Data withheld.** New World and other Foodstuffs supermarket chains have enforced their own ban on display on cigarettes and tobacco since 1997 (to comply with a law change about selling sweets near tobacco). We tried to obtain data to see whether this had reduced sales in these chains, and were prepared to pay for such data, but access was refused by AC Nielsen who collected such data for BAT at that time.
- **Canadian experience.** We tried to obtain data from Canada, but Canadian Cancer Society informs us that suitable comparison studies controlling for price and other factors have not been done, and what data are available are unreliable, as contraband cigarettes have contaminated the results.
- **Marketing studies** however by Wakefield in Australia, and Paynter, Hoek and Wilson in New Zealand, show that a majority of smokers support such a change and display at retail, as for any other product, is designed to and likely to succeed in increasing spontaneous purchases, facilitate first time purchases, and attract back recent quitters.

Exceptions

1) Smokeless tobacco.

Example: Nasal snuff. Only a few kilograms of this is sold each year in New Zealand, It has been on sale since the early days of colonisation and never been very popular. Nor has it ever been proven to do much harm. In fact it is associated with much lower risks of cancer <http://www.endsmoking.org.nz/tobaccocancers.htm> It satisfies peoples' addiction for nicotine or tobacco – and is less harmful than allowing people to grow their own tobacco. It therefore has its uses if all cigarettes sales are banned. <http://www.endsmoking.org.nz/nasalsnuff.htm>

Example: Other moist tobacco snuff. Danger of over regulation. Even though moist tobacco snuff is currently not permitted to be sold, there is no justification on public health grounds to ban the display of such smokeless products, as it is at least 95% less dangerous than tobacco for smoking. In future for example, it might be decided that moist snuff and nasal snuff should be available as an alternative (if cigarettes are no longer sold) at specialist tobacco shops. (Due to lack of knowledge at the time, smokeless tobacco was mistakenly banned in the 1990 Act. In hindsight this was over regulation. Smokers lives could have been saved if sale of oral moist snuff had not been closed off by the ban on oral tobacco in the 1990 Act.

2) Recreational nicotine products sold as tobacco products

Example, Electronic nicotine cigarettes, and in future, nicotine pyruvate inhalers, and nicotine or other refills).The Smokefree Environments Act defines tobacco product as something manufactured from tobacco, whether it contains tobacco or not, and so it is expected that nicotine products could soon be sold as tobacco products as substitutes for cigarettes. (Please note previous letters to Ministry of Health from us on this topic, and our Letter to NZMJ 29 Jan 2010).

Electronic cigarettes are about 100 times less harmful than smoked tobacco and cigarettes. So far they have killed no one, and should not be also put out of sight, whatever their legal definition. The nicotine pyruvate inhaler/cigarette is non-electronic and should come to market within five years.

There will be costs to the retail sector in implementing a ban on smoking tobacco displays, but the stock in a given shop will usually be worth more than \$10,000 and not surprisingly many are already equipped with burglar proof shutters on their display cabinets.

We respectfully request that legislation be passed that would ban all tobacco retail displays in the term of this government, in 2010 or 2011, with the exceptions noted, until such time as all sales of commercial cigarettes and smoking tobacco products (including cigars, cigarillos, pipe tobacco, cigarette tobacco) are banned..

Murray Laugesen

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