



Canadian Tobacco Manufacturers' Council
Conseil canadien des fabricants des produits du tabac

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MEMORANDUM

To: See attached. Date: November 18, 1994.
From: Rob Parker
Re: MARLEAU RESPONSE TO PLAIN PACKAGING COMMITTEE

Trying to analyze Health Minister Marleau's response to the Health Committee's report on plain packaging which she tabled in the Commons today is difficult because of the careful terms in which it was worded.

While Marleau's news release says the Minister supports the recommendation of the Committee to proceed with plain packaging if the current Health Canada study shows it will reduce consumption, a careful reading of the document shows it is not quite as clear cut.

On the positive side, she and/or the government appear to be preparing a number of grounds for deciding against plain packaging. In essence, these recognize a number of issues raised by ourselves and our allies but largely ignored by the Committee's majority report. Whether this is a function of the Health Department seeing the light or the result of input from other departments is not known.

These factors include:

1. "Many decision by the Government to seek further modifications to tobacco product packaging will be taken in the context of the ruling of the Supreme Court of Canada, currently anticipated in 1996."
2. recognition that no study is likely to prove definitive."
3. "The Government clearly is not prepared to adopt further tobacco control measures that risk undermining their own rationale by being unworkable or by providing counter-productive incentives."

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Members: Ministers: Denis Tobin, L. J. MacLennan, R. F. Macdonald, J. H. ... Robinson, Beron & Hedges Inc.

- 4. Careful assessment will be required of the "legal, trade, contraband and economic impact implications of the specific findings on generic packaging" to ensure that "the recommended approach reasonably accommodates the non-health concerns identified in testimony before the Standing Committee."
- 5. "It is essential to avoid any resumption in the contraband tobacco trade that was witnessed in the early 1990's."

This list at least shows that the "non-health" issues now have a higher priority than heretofore.

On the negative side, while the Minister told reporters outside the Commons today that she had still not made a final decision, there is ample evidence in the response to indicate that she is continuing on course. In fact, it can be read as lowering the standard required of the Health Canada study, as recommended by the Committee, that legislation be introduced "if the results of that study support the available evidence that such packaging will reduce consumption."

This now appears to be aimed directly at stopping youth from taking up smoking and "if generic packaging, as a reasonable public health policy initiative, can diminish the inducement to purchase and smoke cigarettes, and to brandish cigarette packages, among the age groups vulnerable to experimenting with cigarettes, then consideration should be given to making tobacco products in Canada available in generic packages."

Rather than dealing with the original mandate of the Committee - to examine the effectiveness of plain packaging in reducing consumption - the Minister and the Government now say "less alluring tobacco product packaging, designed to accommodate concerns about possible unintended impacts that could thwart or undermine health policy objectives, is viewed by the Government as a potentially significant component of its Tobacco Demand Reduction Strategy."

Among the reasons cited for youth tobacco uptake is "tobacco-related promotion of the sponsorship of sporting and cultural events."

SUMMARY:

Overall, the statement appears to indicate that Marleau will proceed with identifying, through her departmental and panel of experts study, what plain packaging will be most effective in turning youth away from starting to smoke and only then, with a specific package design, will the Government assess how much other damage it will do and whether that is acceptable or workable.

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MEDIA LINES:

- Five months after the Committee reported and one month before she then said there would be a decision, Ms Marleau has now delayed a decision until well into the spring;
- There is still no proof, or even an indication there can be, but she still wants to do it;
- The statement contains no direct response to legal, trade, contraband and economic impact implications other than to list them and postpone a decision until after the Supreme Court decision.

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