

Permitting use of misleading words in brand names is against spirit of global anti-smoking treaty, UN agency says

HK deal to allow Mild Seven worries WHO

Raymond Ma

The World Health Organisation is "extremely concerned" that Hong Kong officials have reached a compromise to allow the Mild Seven cigarette brand to remain on sale - flying in the face of a pact to ban misleading descriptions - the *Sunday Morning Post* has learned.

In a confidential letter to local officials last week, the WHO advised Hong Kong to comply fully with a recent global anti-smoking treaty which, among other mea-

asures, will ban the use of the word "mild" on cigarette packs lest it mislead people into believing the contents are less harmful.

China is a signatory to the Framework Convention on Tobacco Control and Hong Kong must fulfil all obligations under the treaty by January 2009 at the latest, said Burke Fishburn, co-ordinator of the Tobacco Free Initiative for the WHO western Pacific regional office.

The notice was given in the same week local anti-smoking lob-

bysts accused Mild Seven's Japanese manufacturer of exploiting a legal loophole by trademarking the brand name Salem Lights - incorporating the soon-to-be banned flavour description.

Last month, health officials caved in to pressure from Japan Tobacco, represented by barrister Michael Thomas. He threatened legal action if Japan Tobacco was not allowed to sell in Hong Kong a brand which uses the word "mild" in its trademarked logo rather than as a flavour description.

In response, officials have allowed trademarked brands sold or registered in Hong Kong before the pact takes effect to remain on sale provided they bear warnings the words do not indicate the contents are less harmful than others.

Mr Fishburn noted Article 11 of the treaty stipulates that countries ban tobacco product packaging and labelling - including trademarks - that are misleading.

The terms "mild", "low tar", "light" and "ultra-light" were specifically prohibited, he said.

Legislative amendments to smoking laws being scrutinised by lawmakers in Hong Kong will force cigarette makers to remove misleading flavour descriptions using these words.

Hong Kong aims to meet the convention's obligations step by step.

Mr Fishburn said: "[We were] recently alerted ... to attempts to undermine the government's efforts to ban the use of misleading terms on tobacco products. We are extremely concerned about this.

"We hope Hong Kong will be successful in banning misleading terms on tobacco products."

Coincidentally, Japan Tobacco has filed 16 applications to the trademark registry within two weeks of the government's January concessions.

Of these, seven were for new brand Salem Lights and five were so-called product extensions of Mild Seven.

Albert Chan Yu-chung, vice-president for North Asian and Australasian corporate affairs at Japan

Tobacco, denied the flings were to introduce the word "light" into its trademarks.

He said the seven Salem Lights logos would be launched to celebrate the company's 50th anniversary this year.

Mild Seven One, Mild Seven Crystal White Ultra Low and others are brands being sold elsewhere in the world. They are being considered for launch in Hong Kong and trademarks are being registered as a precautionary measure to deter counterfeiting, he said.