
Institute for Global Tobacco Control

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Panel on Health Services
Legislative Council
Hong Kong Special Administrative Region, China
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To the Panel on Health Services,

As faculty at the Johns Hopkins Bloomberg School of Public Health, and Director of the Institute for Global Tobacco Control, I am writing to strongly endorse your proposal to substantially increase Hong Kong's tobacco health warning label to 85 percent coverage of the pack.

Tobacco use continues to be a leading preventable cause of death in the world, killing 6 million people around the world. A large body of scientific evidence demonstrates that health warning labels are an effective strategy to reduce tobacco use and save lives. They are shown to increase knowledge of the harms of tobacco,^{1,2} increase intentions to quit and quit attempts among smokers,³⁻⁷ prevent relapse in former smokers,^{5,8} and prevent youth smoking initiation.⁵ Larger health warning labels improve effectiveness.⁹⁻¹¹ A recent study examined the shift from health warning labels that cover 50% of the tobacco package to 80% after new regulations were implemented in Uruguay in 2010.¹¹ Increasing the size of the health warning resulted in a significant increase in noticing and reading health warnings, thinking about the health risks of smoking, refraining from smoking cigarettes and contemplating quitting smoking.¹¹

In this light, it is exciting to hear that the Secretary for Food & Health is proposing an increase in the size of its health warning label. This proposal is in line with international best practice and recommendations by the World Health Organization's Framework Convention on Tobacco Control and Article 11 guidelines. With Hong Kong increasing its health warning label to 85 percent coverage, it would rank first compared to other Western Pacific region countries and tie with Thailand with the second largest health warning label coverage globally, behind only Nepal.¹²

Tobacco companies argue that larger health warning labels violate minimum obligations for the protection of intellectual property rights under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement – specifically the protection of trademarks. However, tobacco companies determined, through their own consultants, that the General Agreement on Tariffs and Trade (GATT) and TRIPS, was not a viable avenue to pursue the issue of packaging reform.¹³⁻¹⁴ GATT contained general exceptions in Article XX, specifically exception (b), allowing party members to enact measures “necessary to protect human... life or health.”¹⁵ Further, in the mid-1990's, while Australia and Canada were attempting to increase the size of their health warning labels, tobacco industry consultants and separately the then Director of Industrial Property Law Department for the World Intellectual Property Organization (WIPO), Ludwig Baeumer, concluded that, the Paris Convention for the Protection of Industrial Property could not be used to challenge proposed legislation on health warning labels.¹⁶⁻¹⁹

Tobacco companies also argue that a larger health warning is infeasible and leaves too little real estate for brand logos, colors and designs. Globally, Nepal, Thailand, India, and Uruguay have increased their health warning labels to 90, 85, 85 and 80 percent coverage, respectively.

Protecting Health, Saving Lives—Millions at a Time

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Research conducted here at the Institute for Global Tobacco Control has shown that despite increases in health warning label coverage, tobacco companies have found ways to continue branding their product on the remaining areas of the package and the cigarette stick itself.²⁰ Internal tobacco company research has shown that the physical differentiation between products is minimal, and that the external package design is used to communicate brand distinctions.^{21,22} Research demonstrates that adolescents are susceptible to branding and respond well to health warning labels.²³

Tobacco companies further argue that sufficient grace periods for implementation of larger health warning labels is necessary. However, evidence suggests that tobacco companies are capable of implementing changes quickly. Following a decision from the Thai Supreme Administrative Court in June 2014, it gave cigarette manufacturers 90-days to comply with new 85 percent health warning labels. Sixty days following the decision, Philip Morris began introducing the new warnings into the Thai market.²⁴ Arguing for an extended grace period is merely a tactic to delay implementation for as long as possible.

The Bloomberg School of Public Health actively partners with organizations and governments globally in support of our mission to prevent death and disease from tobacco products by generating evidence to support effective tobacco control interventions. Over the course of our research and capacity building, we have found that a key obstacle governments face in strengthening their tobacco control measures is the perception that these measures will raise illicit trade. Indeed, we understand that the tobacco industry is arguing in Hong Kong, as it has elsewhere, that a larger health warning label will cause illicit commerce and contraband. Tobacco companies' arguments and overestimation of illicit trade stem from unreliable sources of information and the industry itself has been implicated in being involved in smuggling operations in order to penetrate new markets.²⁵⁻²⁸ In reality, many factors contribute to illicit trade of tobacco including corruption, lack of enforcement of regulations and the presence of organized crime in a country.²⁹

In conclusion, given the overwhelming evidence in favor of larger health warning labels decreasing smoking prevalence and protecting health, I applaud the proposal to increase the health warning label size in Hong Kong. Please let me know if I can provide additional information or assistance.

Sincerely,



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Institute for Global Tobacco Control

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