From: "James Middleton" [redacted]
To: <panel_hs@legco.gov.hk>
Cc: "Clear TheAir" [redacted]

Date: Sunday, May 07, 2017 01:13PM
Subject: BMJ Blogs_ TC News and Views Online > Health warnings.pdf

History: This message has been forwarded.

BMJ link

http://blogs.bmj.com/tc/category/health-warnings/

Graphic warning peer reviewed expert reports

https://www.dropbox.com/sh/ywgtexz9l8uvh82/AAAMr6fNRVjiAtLaMOBjKnraa?dl=0

Big Tobacco vs the world - court judgments – time for declaration of vexatious litigation?

https://www.dropbox.com/sh/zpq8v43cqa72a1a/AACOos8-LlOjaFKx_G_Nobe9a?dl=0

Attachments:

BMJ Blogs_ TC News and Views Online > Health warnings.pdf

Philip Morris fails in advertising from the tobacco industry

Posted by Tobacco Control on March 22, 2010 at 9:00 am
Filed under Health warnings, Tobacco Industry

UPDATED 22 March 2010

UPDATED 22 March 2010 Philip Morris Asia Limited v. Director of Television, Entertainment Licensing and Commercial Undertakings, Court of Appeal, Hong Kong, 19 March 2010 (Tang, Fok and Kwan JJA)

"The ad may have been intended to argue against plain packaging, but by doing so it promoted the use of tobacco products. Such a message is not permissible. Because the ad as a whole is misleading, it is not a public interest message." In upholding the decision, the Court of Appeal also rejected Philip Morris's contentions that the prohibition violated its freedom of expression under the Hong Kong Bill of Rights Ordinance and contravened the Hong Kong Government's obligations under the Framework Convention on Tobacco Control (FCTC).

The ad in question was a television ad that showed a man who

- changed a Marlboro 30-second commercial, replacing Philip Morris's trademarks in frames and on packaging with his own photo and name;
- displayed a sign with a negative health message (smoking causes impotence) on a billboard;
- then showed a Marlboro-like product with a generic plain packaging (which implied that the tobacco industry's proposal to introduce plain packaging in Hong Kong would be a boon to smokers);
- then showed a Marlboro-like product with a generic plain packaging with a message in support of Andrew Cheung's campaign against plain packaging;
- Public health and international institutions also found that tobacco advertising promotes smoking.

Philip Morris's arguments that its ad was a public interest message and that the prohibition violated its freedom of expression under the Hong Kong Bill of Rights Ordinance and contravened the Hong Kong Government's obligations under the Framework Convention on Tobacco Control (FCTC) were rejected.

The ad was misleading because it implied that the tobacco industry's proposal to introduce plain packaging would be a boon to smokers. Although the FCTC is a treaty, it is not a human rights treaty. The Court of Appeal found that the prohibition was not contrary to the Hong Kong Government's obligations under the FCTC.

Although some smokers find the legislation in place, the advertising restrictions have allowed tobacco companies to continue to use advertising billboards in Germany – one of only two countries in the European Union that still permit tobacco advertising on billboards.

Even implementing fully the provisions of Article 13 of the Framework Convention on Tobacco Control (FCTC) does not place signed billboards.

Tobacco Control Scale, the Tobacco Control Research Center, TC 2010 presents the Asia's ranking tobacco control laws and, representing 70.0% of all deaths in Germany. These are significant regional variations in the country, with the percentage of smoking related deaths ranging from 50% to 80%.

The introduction of graphic health warnings together with a comprehensive ban which is required will be the beginning of serious tobacco control legislation and the inevitable decline of tobacco consumption.

Ranking of 30 European countries in Tobacco Control Scale, 2010
Source: Tobacco Control Scale
Image: http://www.tobacco-control.org/
Image Filed under:
Tags: 2010, Cut Smoking, TCS10 US, Plug

Posted in Tobacco Control, Health warnings, Tobacco Industry, Tobacco Industry Strategies, Plain Packaging

Uruguay: five key messages from Philip Morris' failed challenge to packaging laws

Posted by Tobacco Control on March 22, 2010 at 9:00 am
Filed under Health warnings, Tobacco Industry, Tobacco Industry Strategies, Plain Packaging

Philip Morris International (PMI) has lost its legal challenge to the Uruguay tobacco plain packaging laws in May 2010. Philip Morris affirmed, once defeated, only the above, the Uruguay Supreme Court of Justice (SCJ) ruled in its favour.

The McCann Centre for Law and Tobacco Control has presented a paper outlining the objects of the judgement which are relevant to other governments planning to implement plain packaging laws. The paper is based on the Framework Convention Alliance's Litigation Framework Convention on Tobacco Control (FCTC).

The key points raised in detail in the analysis are:

- Uruguay's Supreme Court concluded, despite Philip Morris's claims, its arguments to be unfounded, and upheld the plain packaging laws.
- Tobacco manufacturers have been unsuccessful in challenging plain packaging laws in Australia, Ireland and the United Kingdom, and in other jurisdictions plain packaging is anticipated when the tobacco is compliant or endorsed.
- Plain packaging laws are not a violation of intellectual property, and are not a violation of a tobacco company's trademark.
- Public health and international institutions also found that tobacco advertising promotes smoking.

Philip Morris International (PMI) has lost its legal challenge to the UK's tobacco plain packaging laws. The Philip Morris affirmed, once defeated, only the above, the Uruguay Supreme Court of Justice (SCJ) ruled in its favour.

The McCann Centre for Law and Tobacco Control has presented a paper outlining the objects of the judgement which are relevant to other governments planning to implement plain packaging laws. The paper is based on the Framework Convention Alliance's Litigation Framework Convention on Tobacco Control (FCTC).

The key points raised in detail in the analysis are:

- Uruguay's Supreme Court concluded, despite Philip Morris's claims, its arguments to be unfounded, and upheld the plain packaging laws.
- Tobacco manufacturers have been unsuccessful in challenging plain packaging laws in Australia, Ireland and the United Kingdom, and in other jurisdictions plain packaging is anticipated when the tobacco is compliant or endorsed.
- Plain packaging laws are not a violation of intellectual property, and are not a violation of a tobacco company's trademark.
- Public health and international institutions also found that tobacco advertising promotes smoking.

Posted in Tobacco Control, Health warnings, Tobacco Industry, Tobacco Industry Strategies, Plain Packaging

Germany: tobacco graphic health warnings to finally turn the tide?

Posted by Tobacco Control on March 22, 2010 at 9:00 am
Filed under Health warnings, Tobacco Industry

In a welcome step forward from the usual dark ivory, smoking can be deadly and written in bright red letters, Germany has the ground-breaking public health law to introduce graphic health warnings.

Deadly tobacco progress in recent years. Germany has historically been one of Europe's biggest tobacco markets and consumers. Tobacco kills 110,000 people a year, or 300 a day. Lung cancer, chronic lung disease, heart disease, and other consequences of smoking will be prepaid over two thirds of the surface area of cigarette packs, in line with the European Union's requirements.

While the move is welcome, much remains to be done. Germany has long lagged behind the rest of European countries for its weak tobacco advertising in tobacco control policy and implementation.

Although some states have legislated in place, the advertising restrictions have allowed tobacco companies to continue to use advertising billboards in Germany – one of only two countries in the European Union that still permit tobacco advertising on billboards.

Even implementing fully the provisions of Article 13 of the Framework Convention on Tobacco Control (FCTC) does not place signed billboards.

Tobacco Control Scale, the Tobacco Research Center, TC 2010 presents the Asia's ranking tobacco control laws and, representing 70.0% of all deaths in Germany. These are significant regional variations in the country, with the percentage of smoking related deaths ranging from 50% to 80%.

The introduction of graphic health warnings together with a comprehensive ban which is required will be the beginning of serious tobacco control legislation and the inevitable decline of tobacco consumption.

Ranking of 30 European countries in Tobacco Control Scale, 2010
Source: Tobacco Control Scale
Image: http://www.tobacco-control.org/
Image Filed under:
Tags: 2010, Cut Smoking, TCS10 US, Plug

Posted in Tobacco Control, Health warnings, Tobacco Industry, Tobacco Industry Strategies, Plain Packaging

UK: New 'Quit 10' campaign tells smokers' victims

A series of emotional and heartbreaking television ads have been launched in the UK to kick off a new campaign to encourage smokers to quit. The campaign, Quit 10, is the brainchild of Bupa. The marketing organisation that has conducted the emotional and physical ad in that time.

Quit 10 is a new anti-smoking campaign which has diagnosed with cancer, cancer other people, 40, who "wanted to be a father, a good dad, I didn't, I couldn't, I can't – I can't be one, because it could be over." It is clear to tobacco the cancer, she had to have her ulcer, and the ulcer, which is a tumour, which is cancer." Another ad shows a man who "wanted to be a father, a good dad, I didn't, I couldn't, I can't – I can't be one, because it could be over." It is clear to tobacco the cancer, he had to have his ulcer, and the ulcer, which is a tumour, which is cancer.

The 10 in the campaign refers to 10 types of cancers that can be caused by smoking. It aims to raise awareness about some of the more lesser known health risks associated with smoking, such as bowel cancer, bladder cancer, and cancer of the throat and lungs. Bupa's research shows that 1 in 3 people in the UK are unaware that smoking causes bowel cancer. The bowel cancer ad shows a man who "wanted to be a father, a good dad, I didn't, I couldn't, I can't – I can't be one, because it could be over." It is clear to tobacco the cancer, he had to have his ulcer, and the ulcer, which is a tumour, which is cancer.

Screen shot of the campaign, web quit 10, uk

Posted in Health warnings, Social marketing, Tobacco Industry

Nepal: report card on progress in tobacco control

Posted by Tobacco Control on March 22, 2010 at 9:00 am
Filed under Health warnings, Tobacco Industry, Tobacco Industry Strategies, Plain Packaging

Dr Pooja Bhatt, Hugh Waters

Department of Community Health Sciences, Patan Academy of Health Sciences, Lalitpur, Nepal

Tobacco Control Scale

Tobacco Control Scale

Tobacco Control Scale