

**Lung Foundation Australia and the Thoracic Society of Australia and New Zealand  
submission  
Thematic Review of Tobacco Control Legislation  
March 2019**

### **Tobacco Advertising**

#### **What is working well in relation to the Tobacco Advertising Prohibition Act 1992 and the Tobacco Advertising Prohibition Regulation 1993?**

The use of legislation and regulation to ban tobacco advertising is effective in reducing the influence that marketing tobacco use has on:

- Experimentation and initiation of smoking (1) (2)
- Level of cigarette consumption (3)
- Number of quit attempts for current smokers (3) (4)
- Relapse for people who have quit smoking (5)

Research shows that comprehensive advertising bans have reduced smoking initiation by an average of 6% and smoking prevalence by an average of 4% (7).

#### **Do you consider the Tobacco Advertising Prohibition Regulation 1993 simple, clear and easy to read? If not, which elements of the regulation pose particular challenges, and what changes would you suggest?**

In its current form it is simple, clear and easy to read.

#### **What, if any, changes could be made to the Tobacco Advertising Prohibition Act 1992 and the Tobacco Advertising Prohibition Regulation 1993?**

Changes that could be considered are:

- Greater restrictions on advertising of tobacco products online and/or via social media.
- Advertising restrictions for e-cigarettes that mirror the restrictions for tobacco products.
- A ban on the sale of tobacco products through the internet and via vending machines where there is no human check to verify age of purchaser.
- Elimination of point of sale discount promotions.

#### **Are there any studies that would support the measures that you are suggesting?**

The suggested measures above are based on the premise that by reducing exposure to advertising and communications around tobacco products and e-cigarettes as well as reducing access to point of sale options that smoking will be reduced. Research may be required to provide evidence that these specific interventions are effective.

Currently there are a variety of articles in general media around the potential benefits of e-cigarettes, which are often based on biased views or anecdotal evidence. A balanced dialogue via public websites (e.g. newspapers, MJA Insight) and public forums of the scientific results of newer treatments is required. This includes e-cigarettes with nicotine replacement therapy that are specifically utilised for smoking cessation.

Discounting of products at point of sale removes cost barriers to access and facilitates consumption.

**Do you consider the Tobacco Advertising Prohibition Regulation 1993 (or provisions within) redundant, unnecessary or otherwise not fit-for-purpose?**

Regulations on tobacco advertising should remain. They need to be strengthened to account for changes in technology with increased avenues for communication and therefore marketing opportunities, particularly in relation to online and/or social media.

**Tobacco Plain Packaging**

**What is working well in relation to the Tobacco Plain Packaging Act 2011 and the Tobacco Plain Packaging Regulations 2011?**

The introduction of plain packaging legislation has been effective in reducing the appeal of tobacco, increasing health warning effectiveness and reducing the ability of packaging to mislead about smoking harms (8). Furthermore, plain packaging can lead to a reduction in positive perceptions of cigarettes among young people (9).

**Do you consider the Tobacco Plain Packaging Regulations 2011 simple, clear and easy to read? If not, which elements of the legislation pose particular challenges, and what changes would you suggest?**

In its current form it is simple, clear and easy to read.

**What, if any, changes could be made to the Tobacco Plain Packaging Act 2011 and the Tobacco Plain Packaging Regulations 2011?**

Plain packaging has been the right move. The plain packaging restrictions should be applied to all tobacco products, including roll your-owns and chop-chop. Anecdotally, many people throw away the cigarette carton and use their own fancy boxes for storage of cigarettes. To further make tobacco less attractive, the cigarette sticks themselves should be less attractive. (e.g. instead of fancy paper with golden circle, use off white paper that is less attractive)

**Are there any studies that would support the measures that you are suggesting?**

**General**

**What are the benefits to you associated with the current regulatory arrangements?**

The benefits associated with the current regulatory arrangement has led to a decline in smoking prevalence in the overall population and a decline in initiation of smoking in adolescents. The success of this regulatory framework in achieving this positive change needs to be promoted through a variety of media, using visual aids such as graphs to demonstrate impact. There remains population groups where smoking is higher, and these groups should be the focus of future tobacco control initiatives.

**What are the costs or disadvantages to you associated with the current regulatory arrangements?**

Nil.

**Do you consider that any of the legislation generates unnecessary administrative burden? If so, what changes could be made to address this?**

Administration processes should be reviewed to identify efficiencies and take advantage of innovative technologies where available.

**Do you consider that any of the Department of Health's tobacco control legislation imposes significant unnecessary compliance costs on business, community organisations and individuals? If so, how could compliance costs be reduced?**

Tobacco control legislation has resulted in a reduction of smoking in the Australian community. Any relaxation of this legislation increases the risk of increases in smoking rates and poorer health outcomes. There is a compliance cost, but the health benefits outweigh potential harm. Compliance costs may be reduced through the introduction of automated processes and innovative technologies.

**Are there any other measures for tobacco control regulation that you think the Australian Government should consider and prioritise?**

There are numerous tobacco control regulations that the Australian Government could consider such as:

- Raising the age for buying tobacco products to 21 years. This could be implemented over a three-year period (i.e. 18 in year 1, 19 in year 2, 20 in year 3).
- Higher taxes for tobacco products and staged increase of price of tobacco to continue into the future.
- Introducing the maximum quantity of cigarettes one can buy in one transaction.
- Increasing the number of cigarettes in a packet, making them larger and more expensive in a single purchase.
- Eliminating point of sale discount promotions for tobacco products.
- Introducing the need to do a short online course for those involved in selling tobacco (just like responsible serving of alcohol).
- Introducing zoning for premises selling tobacco products – i.e. a minimum distance from educational institutions and healthcare facilities.
- Reducing the locations where cigarettes can be purchased. For example, only have them available from retailers that sell products for purchase by adults only and ID verification is standard practice such as retailers that sell alcohol.
- Making more NRT products available via PBS for the general public (e.g. mouth spray and combination NRT).
- Banning the import of tobacco products by visitors to Australia or residents returning.
- Excluding tobacco products from duty free sales for travellers leaving Australia.
- Banning the purchase of tobacco products through online shops and vending machines where ID verification is compromised.
- Tougher penalties for counter fake cigarettes and for violating customs rules
- Disincentives for smokers when they join private insurance schemes may actually encourage youngsters to give up smoking or not take it up as a habit.
- Regulation of communications on social media in relation to smoking.
- Banning smoking in the making of film and television productions.

**References**

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