



Press Release



Monday 16th April 2012

Standardised “plain” packaging – a leap in the dark

Today’s launch by the Department of Health of a consultation on standardised packaging of tobacco products is premised on a simplistic view of branding and a tenuous link between brand imagery and smoker behaviour. It ignores the reality of how products compete and investment is incentivised, the effect on counterfeiting and the likely damage to intellectual property rights.

The Government’s consultation on standardised packaging adopts a welcome open-minded approach. However it is based solely on the tenuous premise that branding promotes smoking. It risks underplaying the crucial role of branding in providing consumers with information and trust in the nature and quality of the products they are buying. Moreover, the implications of requisitioning intellectual property rights of legitimate companies must be properly assessed.

Whether on-pack branding of itself promotes smoking must be open to question, given the impact of prominent graphic health warnings and increasingly restricted point-of-sale displays. Branding does however help consumers to understand differences between products, to distinguish quickly between them and to buy with confidence. Branding is also crucial to the working of markets, encouraging producers to invest in and compete on quality, new and better products and strong reputations.

John Noble, Director of the British Brands Group, stated, “Branding fulfils many significant and positive functions for both consumers and markets. Take it away and consumers lose out and markets become commoditised, with price rather than quality being the influencing factor. As well as calling on Government to consider carefully whether plain packaging will yield any positive impact in practice, we will also encourage it to look at all the possible negative impacts.”

Removing branding from packaging is also expected to fuel the trade in counterfeits. Ruth Orchard, Director General of the Anti-Counterfeiting Group, said, "Plain packaging will be welcomed by counterfeiters. It will make their job much simpler and make it harder for consumers to spot fakes. It creates a trading environment where all packaging will look essentially the same and where the standard designs will be easy to replicate illegally. Such effects need to be integrated into Government thinking".

When branding and intellectual property rights are used to achieve policy goals, it is crucial that policy is proportionate and grounded on a full understanding supported by robust evidence. Intellectual property rights, granted by the state and governed by international treaties, must also be taken into account as rights will exist in packaging designs.

NOTES TO EDITORS

Consultation

The Department of Health's [consultation](#) can be found on its website.

Australian legislation on plain packaging

Australia has passed legislation, the [Tobacco Plain Packaging Act 2011](#), that will require all tobacco products to be in plain packaging from 1st December 2012.

Anti-Counterfeiting Group

The Anti-Counterfeiting Group (ACG) is a not for profit trade association, recognised as a leading authority on the worldwide trade in fakes. ACG was founded in the UK in 1980 with just 18 members (mostly in the automotive industry) who discovered that they had a common problem with counterfeits. Today ACG represents over 170 organisations globally, operating in, or providing specialist advice to, most industry sectors where counterfeiting is an issue.

For more information please visit the website: www.a-cg.org.uk.

British Brands Group

The British Brands Group was founded in 1994 as a non-profit-making membership organisation. Its primary role is to provide the voice for brands, speaking out when commercial and regulatory issues threaten the ability of branding to be a positive force in society. Member companies manufacture familiar and popular branded products in a wide range of product categories, of which tobacco is but one.

For more information please visit the website: www.britishbrandsgroup.org.uk.

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