Plain packaging myth exposed
Submission to the Siggins Miller post-implementation review – mandatory plain packaging of tobacco products

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Executive summary

This submission has three core areas of focus:
- The effects of mandatory plain packaging on tobacco consumption
- The extinguishment of property rights
- An appropriate role for government

Despite claims to the contrary from cheerleaders of the policy – public health academics and a collection of special interest groups – mandatory plain packaging has not had the intended effect. Our research has found that mandatory plain packaging of tobacco products has not resulted in a decrease in tobacco consumption. Tobacco consumption has not declined as a result of the policy, and there is some evidence to suggest that plain packaging may in fact have resulted in a small increase in consumption, bucking a sixty year trend.

We have also identified a significant erosion of property rights associated with the banning of logos and other trademarks. Although the High Court challenge to these laws has been unsuccessful the Australian government continues to fight two further costly legal disputes, both in the arena of international trade law. The loss of one of these disputes has the potential to cost Australian taxpayers billions of dollars in damages.

Mandatory plain packaging is a policy rooted in illiberalism. The policy undermines personal responsibility and treats adults like children. Mandatory plain packaging is an example of the Nanny State, which reverses the role of state and citizen. The role of government is to protect the freedoms of its citizens. This policy undermines the freedom of every Australian to make choices – ‘good’ or ‘bad’ – about their own lives.

The Australian government must recognise that the policy experiment of mandatory plain packaging of tobacco products has failed. The only reasonable course of action for the government is to pursue the repeal of the *Tobacco Plain Packaging Act 2011*. 
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**Introduction**

In 2011, the then Gillard government announced it would implement mandatory plain packaging of tobacco products. The policy would involve the banning of tobacco company logos, brand imagery, colours and all promotional text except product names.

The Tobacco Plain Packaging Act 2011 was passed by the Australian parliament on 21 November 2011. The legislation came into force just over a year later, on 1 December 2012.

The stated objective of plain packaging legislation is to reduce tobacco consumption. This submission will assess whether the policy has achieved that goal with reference to high quality data.

We will also assess the claims made by those that have declared the policy a success, with a focus on the reliability of various data used as evidence for such claims.

This submission also examines the property rights issues associated with mandatory plain packaging. The legislation bans the use of trademarks and has been at the heart of several legal challenges on the grounds that it undermines intellectual property rights.

Finally we will consider whether mandatory plain packaging is an appropriate exercise of government power. We consider the legitimate role of government and assess the policy against the principles of liberal democracy.
Has plain packaging reduced tobacco consumption?

Mandatory plain packaging of tobacco products began in Australia on 1 December 2012. Two years have passed since the introduction of plain packaging. It is therefore appropriate to assess the impact that the policy has had, and to determine whether the policy has met or is meeting its stated objectives.

The policy had a number of aims, the most important of which was to decrease consumption of tobacco products.

It is vital to understand that tobacco consumption has been on a relatively stable downward trend in Australia for around the last six decades.¹ A proper assessment of the effect of a particular government policy on consumption must therefore control for this long-term and ongoing trend.

There are a number of ways to measure consumption. One of the most reliable is to conduct an econometric analysis of expenditure, controlling for price. Survey data is mostly unreliable and can be highly misleading.

The best academic work on the efficacy of mandatory plain packaging of tobacco products was published in 2014. A peer-reviewed journal article written by leading Australian economists Professor Sinclair Davidson and Dr Ashton De Silva entitled ‘The Plain Truth about Plain Packaging: An Econometric Analysis of the 2011 Australian Tobacco Plain Packaging Act’ appeared in Volume 21 of Australian National University’s Agenda: A Journal of Policy Analysis and Reform. The conclusion of Davidson and De Silva’s paper could not have been clearer:

Ronald Coase famously argued that if you tortured the data long enough they would confess. In this paper we have tortured the data, but there has been no confession. At best, we can determine the plain packaging policy introduced in December 2012 has not reduced household expenditure of tobacco once we control for price effects, or the long-term decline of tobacco expenditure, or even the latent attributes of the data.

To the contrary, we are able to find a suggestion that household expenditure of tobacco has, ceteris paribus, increased. In our forecasting exercise the actual data come close to breaking through the 80 per cent confidence interval. While we do not want to over-emphasise these results, we do conclude that any evidence to suggest that the plain packaging policy has reduced household expenditure on tobacco is simply lacking.

There are two very important caveats to our results. In the first instance, data on actual (legal) tobacco consumption (on a per-stick basis) do exist, though not in the public domain. Publicly available data on household tobacco expenditure are an imperfect proxy for tobacco consumption – as the ‘Tobacco in Australia’ report concedes. In any event, the ABS data are potentially subject to substantial revision and cannot answer well the questions being asked of them.

Establishing the efficacy of the plain packaging policy will take painstaking econometric analysis over a long period of time. This will involve having to untangle the effects of excise increases and changes

¹ See, for example, Fig. 1 in Tim Adair, Damian Hoy, Zoe Dettrick and Alan D Lopez, ‘Reconstruction of long-term tobacco consumption trends in Australia and their relationship to lung cancer mortality’ 22 Cancer Causes & Control (2011) 1047, 1050.
in smoker behaviour, and substitution to illegal tobacco products. As things stand at the minute, it would be a very brave public-health advocate that claims vindication from one data point (subject to revision) in supporting the plain packaging policy.\(^2\)

This is vital work as it makes the important distinction between expenditure and consumption. The aim of plain packaging legislation is not to decrease expenditure on tobacco, the aim is to decrease consumption of tobacco. If the price of tobacco falls but consumption remains steady then we would expect to see expenditure decrease. Even the most enthusiastic public health activists would find it difficult to call that a victory. Yet even some economists have fallen for the ruse.\(^3\)

One of the first to recognise the failure of the mandatory plain packaging policy was News Corp Australia journalist Christian Kerr. An article by Kerr appeared in *The Australian* newspaper on 6 June 2014 entitled ‘Labor’s plain packaging fails as cigarette sales increase’, which exposed the fact that 59 million more sticks of tobacco had been sold in 2013 than were sold in 2012.

The 0.3 per cent increase, though modest, goes against a 15.6 per cent slide in tobacco sales over the previous four years — and undermines claims by then health minister Nicola Roxon that Australia would introduce the “world’s toughest anti-smoking laws”.

Plain packaging laws, which came into force in December 2012, have instead boosted demand for cheaper cigarettes, with reports of a more than 50 per cent rise in the market for lower cost cigarettes.

The research by industry monitor InfoView, which shows a rise in the market share of cheaper cigarettes from 32 per cent to 37 per cent last year, is backed up by retailers, consumer marketers and the industry, with cigarette maker Philip Morris saying its information showed no drop in demand.

Australasian Association of Convenience Stores chief executive Jeff Rogut said sales by his members grew by $120 million or 5.4 per cent last year. “Talking to members, one of the most common refrains they get from people coming into stores is, ‘What are your cheapest smokes?’,” he said.\(^4\)

The effects of mandatory plain packaging that have been seen in Australia had been predicted by some economists before the implementation of the policy.\(^5\) In August 2011 Michel Kelly-Gagnon of the Montreal Economic Institute wrote about the likelihood that mandatory plain packaging would result in price decreases:

As with the display ban, there is a strong chance that plain packaging for cigarettes would entail unintended negative consequences without achieving its declared objective of improving the health of the population. Indeed, if consumers cannot rely on a brand as a warranty of quality and reputation, they will not be willing to pay a premium for those products. Concretely, plain packaging

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would reduce the brand premium and therefore the price of brand cigarettes. The consumption of
tobacco would not fall, but cigarette manufacturers that have invested in establishing their
reputations would be harmed.\footnote{Michel Kelly-Gagnon ‘Plain Packaging and its Unintended Consequences’ \textit{Montreal Economic Institute} (August 2011) \<http://www.iedm.org/files/note0811\_en.pdf>.}

One final note on consumption and expenditure. Even if one accepts the argument that the policy
was in fact about achieving an expenditure decrease the data shows the opposite. Australian Bureau
of Statistics data on expenditure shows that the first full year of mandatory plain packaging actually
relevant period and explained the reason why an analysis of the data some months after the first full
year of mandatory plain packaging can be misleading.\footnote{Sinclair Davidson, ‘Cherry picking tobacco data’ \textit{Catallaxy Files} (6 June 2014) \<http://catallaxyfiles.com/2014/06/06/cherry-picking-tobacco-data/>.}

Further evidence of the failure of mandatory plain packaging was recently published by Cancer
Council Victoria, which showed that adult tobacco consumption increased in four of five states for
which data was collected.\footnote{Cancer Council Victoria, ‘Factsheet no. 4: What is happening to the prevalence of smoking in Australia?’ \textit{Questions and answers on plain packaging in Australia} (11 March 2015) 10. For further explanation, see, Sinclair Davidson, ‘Victorian Cancer Council documents plain packaging failure’ \textit{Catallaxy Files} (5 March 2015).}
Moving the goalposts

Assessment of the success of mandatory plain packaging should be based on how the outcomes caused by the policy measure up against the stated objectives of the policy. The most authoritative list of objectives for the policy can be found in the explanatory memorandum for the bill. In introducing the bill to the parliament on 6 July 2011, then Health Minister Nicola Roxon stated:

This Bill will prevent tobacco advertising and promotion on tobacco products and tobacco product packaging in order to:
- reduce the attractiveness and appeal of tobacco products to consumers, particularly young people;
- increase the noticeability and effectiveness of mandated health warnings;
- reduce the ability of the tobacco product and its packaging to mislead consumers about the harms of smoking; and
- through the achievement of these aims in the long term, as part of a comprehensive suite of tobacco control measures, contribute to efforts to reduce smoking rates.¹⁰

The last point emphasises the fact that the most important objective, in the eyes of the policy’s own proponents, was the reduction in smoking rates.

Two years after the implementation of mandatory plain packaging and the efficacy tests being used by the champions of the policy are not what one might expect. Rather than measuring the mandatory plain packaging policy against tobacco consumption, the public health industry has recently revealed a range of subjective, imprecise, irrelevant and misleading data to elevate their claims that the policy has been a success.

One study found links between the introduction of plain packaging and an increase in the number of calls to a tobacco addiction telephone helpline.¹¹ Another study found that “[t]he introduction of standardised packaging has reduced the appeal of cigarette packs.”¹² A survey conducted before the introduction of the policy found that plain packaging caused smokers to have more thoughts about

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¹² Victoria White, Tahlia Williams and Melanie Wakefield, ‘Has the introduction of plain packaging with larger graphic health warnings changed adolescents’ perceptions of cigarette packs and brands?’ *24 Tobacco Control* (2015) <http://tobaccocontrol.bmj.com/content/24/Suppl_2/i42.full>.
Another finding demonstrated that plain packaging led to smokers ‘feeling more smoking-related concern’.

Much of this data is based on subjective responses given to a series of survey questions. It is unreliable. But the broader issue is that none of these studies give any indication of the most important measure of the success of mandatory plain packaging – tobacco consumption.

It is also worth mentioning that plain packaging advocates often argue that the real effect of plain packaging is on young people. However, the 2013 Australian Institute of Health and Welfare survey, which collected data during the period in which plain packaging came into effect, showed an increase in the rate of smoking among adolescents, from 2.5% in 2010 to 3.4% in 2013.

The claims made by various public health lobby groups need to be very carefully scrutinized. In assessing the efficacy of plain packaging it is important not to lose sight of the policy objectives as they were originally expressed. Assessing the policy against new criteria is an exercise in moving the goalposts.

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Poisoning the well

It is important to note that Australia was the first country to introduce national mandatory plain packaging of tobacco products. Prior to implementation some studies had been conducted but these were based mainly on surveys and small laboratory experiments. A lack of quality evidence means that the Australian experiment is quite important from an empirical standpoint.

Given that Australia was undertaking a policy experiment being watched closely by other countries around the world, the reliability of data is a key issue, not only in Australia but in the global debate on mandatory plain packaging.

When designing a scientific experiment it is vital to ensure the minimisation of factors that could affect results, outside of the particular variable being tested. These extraneous factors are called confounding variables. Removing or controlling for confounding variables is important to ensure that any observed results are due to the effect of the variable being tested – the independent variable – rather than confounding variables.

Correctly identifying cause and effect is difficult enough in well-designed laboratory experiments. Outside of a laboratory, the number of confounding variables that could affect the results of an experiment can be significantly increased.

In relation to the Australian mandatory plain packaging experiment, the previous government concurrently implemented more than one policy aimed at reducing tobacco consumption. This has been described in positive terms by the government as a ‘comprehensive approach’ to the stated aim of reducing tobacco consumption.16 However, whatever the imagined benefits of such an approach it quickly becomes very difficult to separate out each policy to determine its individual effect on consumption. The accumulation of multiple policies has had the effect of poisoning the well of mandatory plain packaging efficacy by adding a confounding variable to the experiment.

There are a number of confounding variables produced by government policy but perhaps the most significant are the ongoing increases in the rate of tobacco excise. The Tobacco Plain Packaging Act 2011 came into effect on 1 December 2012. Within one year of plain packaging being implemented a new policy of annual tobacco excise increases was announced by the then Gillard government.17 The rate of increase was set at 12.5% per year for four years from 1 December 2013. The final scheduled increase will take place on 1 December 2016. So far two excise increases have been implemented.

This means that there was just one full year of relatively unadulterated data which can be used to determine the efficacy of mandatory plain packaging before the first excise increase was implemented.

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Although good studies will control for the tobacco excise increases there are many less meticulous advocates of the policy may fail to take account of this factor.
Unintended consequences – the effect of mandatory plain packaging on illicit tobacco

We have seen that in an environment where branding is banned, price becomes one of the few grounds on which tobacco products can compete. This has resulted in lower prices for tobacco products. This was not accounted for by the designers of the policy - it is an unintended consequence.

There are also other unintended consequences of the mandatory plain packaging policy. Perhaps one of the most concerning is the increase in black market tobacco, or what is commonly known as ‘chop-chop’.

On 2 April 2014, professional services firm KPMG released a report into illicit tobacco in Australia, which shows that:

in the twelve months to the end of 2013, the level of illicit consumption grew to 13.9% of total consumption, 2.1 percentage points higher than in 2012, and 0.6 percentage points higher than in the twelve months ending in June 2013.

The period of time covered by the KPMG report is a good indication of the first full year of the implementation of mandatory plain packaging. In the days following the release of the report British American Tobacco published a media release which made the connection between mandatory plain packaging and this increase in black market tobacco:

The illegal tobacco market in Australia is now equal to around 2.7 billion cigarettes overall. Since plain packs were introduced over 400 million additional illegal cigarettes have been smuggled into the country. “Plain packs have had the opposite effect on smoking rates that the previous government promised, while at the same time it has boosted the profits of organised crime,” Mr [Scott] McIntyre [BATA spokesman] said.

The increase in illicit tobacco in Australia following the implementation of mandatory plain packaging legislation is consistent with the findings of academics Lisa Farrell and Tim RL Fry. They found that where branding was no longer being used to differentiate products there was a greater likelihood that legal products would lose market share to illegal products. This was explained by economist Jorge Padilla in his report of February 2010:

Plain packaging will affect the supply of both contraband and counterfeit cigarettes:

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20 Scott McIntyre, ‘Industry volumes up, illegal tobacco up, while the number of people quitting halves’ Media Release – British American Tobacco Australasia (4 April 2014) <http://www.abc.net.au/mediawatch/transcripts/1420_bata.pdf>.
It will make contraband cigarettes relatively more attractive to consumers, since contraband cigarettes will be branded but domestic supplies will not. Branded contraband cigarettes will provide more value to consumers than non-branded domestic supplies. This will increase demand for contraband cigarettes.

It will make counterfeit cigarettes easier to produce. I would expect the cost of counterfeiting to fall as less sophisticated techniques will be required to replicate the precise design of a cigarette packet. The reduction in cost would be expected to lead to an increase in supply.\(^\text{22}\)

A further explanation for an increase in illicit tobacco in markets where plain packaging has been introduced is that the inevitable price decrease can lead to the government increasing tobacco taxation in order to restore the pre-plain packaging price point. This has been advocated by at least one public health economist in the context of the debate around the introduction of mandatory plain packaging in the United Kingdom:

it would be a straightforward matter for the UK government to make upward adjustments in tobacco duties to ensure that the introduction of plain packaging did not result in any net price reductions on average. Furthermore, if tobacco duties were increased in this way, the result would be equivalent to a transfer from tobacco company shareholders to taxpayers – providing a net gain to the public finances at the same time as reducing the excess profits of the tobacco industry.\(^\text{23}\)

However, by attempting to resolve one issue, the government is creating another. The increase in tobacco taxation creates incentives for illegal tobacco manufacturers who do not pay tobacco excise. As explained by Valentin Petkantchin of the Institut économique Molinari:

many consumers could refuse to pay so much in taxes to get the same unbranded products they can get on the black market (before, they at least got brand name cigarettes and the assurance of dealing with the producer of their choice). This risks causing a huge upsurge in the black market, especially since it is easier to counterfeit generic cigarettes than brand name cigarettes.\(^\text{24}\)


Mandatory plain packaging undermines property rights

The policy of mandatory plain packaging represents a significant erosion of property rights. It restricts the ability of companies to use colours, shapes and text to undermine one of the most important marketing tools at a company’s disposal – branding. This is a significant issue from an intellectual property standpoint.

The implementation of mandatory plain packaging laws has opened two separate avenues of legal proceedings. The first, domestic challenges to the constitutionality of the Australian government’s legislation. The second, international trade disputes.

The domestic constitutional question was raised by some of Australia’s major tobacco companies. These companies took the government to court, arguing that the Tobacco Plain Packaging Act 2011 was in breach of section 51 (Xxii) of the Australian Constitution. That provision allows the Commonwealth government to acquire property “on just terms”.

The tobacco companies’ arguments were that the legislation stripped away intellectual property rights by banning the use of logos, colours and text. The court ruled in favour of the defendants in a decision handed down on 5 October 2012. A majority of the court concluded that the nature of the treatment of the intellectual property in question was an extinguishment, as opposed to an acquisition, of property.

Putting the strength of the legal arguments to one side for a moment, such treatment by the government is arguably worse than would be an acquisition. Rather than the government accruing property rights and perhaps attempting to put them to some public benefit, the rights that previously existed simply disappeared as a result of the implementation of government policy.

The international trade question arose as a response to the policy from some of Australia’s trading partners overseas: Ukraine, Honduras, the Dominican Republic, Cuba and Indonesia. The dispute is currently working its way through the World Trade Organisation.

Dr Patrick Basham of the Democracy Institute recently explained the serious long-term consequences of the WTO dispute for Australia:

Whatever the outcome at the WTO, both Australia and her alcohol sector face a lose-lose situation. If the WTO rules against Australia and if the Abbott government refuses to bring the country’s plain packaging law into compliance with global trade rules, Australia would face retaliatory protectionist measures on its exports to Indonesia and probably other nations, too. She will also suffer the tangible reputational damage associated with losing such a high profile case at the global trade body.

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Of course, if Australia prevails at the WTO, plain packaging would be legitimized as a valid regulatory measure to curb consumption of harmful consumer goods, such as tobacco, or potentially harmful goods, such as alcohol. However, the tangible economic downside is that Australian producers of wine, beer, and spirits would face the very real prospect of plain packaging being applied on some or all alcoholic beverages for reasons of public health, morality, or both.

The bottom-line is that Australia’s alcohol sector could face packaging restrictions in overseas markets solely because the Australian government mandated comparable restrictions on domestic tobacco products.

The dispute between Australia and Indonesia boils down to a high-stakes, tit-for-tat political row. Regulatory retribution, if you will. Nonetheless, it is an expensive political reality that now confronts the Abbott government.

Its predecessor should have thought more carefully about the unintended, yet entirely predictable, domino effect of plain packaging-induced trade retribution.28

A separate investor-state arbitration has also been initiated by Philip Morris Asia against Australia. PMA argues that Australia has breached a 1993 investment treaty between Australian and Hong Kong.29 Should Australia lose the Hong Kong arbitration it may be liable for an extraordinary compensation bill totalling billions of dollars.30

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Mandatory plain packaging is an example of paternalism

Whether mandatory plain packaging achieves its aims or not, the concept itself is wrong. The idea that it is appropriate for the government to make decisions about the consumption choices of its citizens is deeply illiberal.

The policy begins with an assumption that adults are not intelligent enough to make useful decisions about tobacco consumption. Taxes, advertising bans and the myriad other government policies that have been developed and implemented over the years by health bureaucracies their pliable government ministers are bad. But plain packaging is particularly infantilising.

The argument put by plain packaging proponents is that adults are too easily influenced by colours and shapes and logos, and that only well-intentioned and well-educated government officials are in a position to be able to make decisions about the consumption of this particular legal product.

As the IPA has previously noted in another context:

> The extent to which governments regulate to protect citizens from themselves and remove risk from the lives of individuals is growing. These developments are not constructive and are creating a ‘nanny state’ absolving individuals of responsibility.  

The Nanny State is a concept based on the principle of elitism. It sets up two classes of people. The first class is the self-appointed elite, which makes decisions about acceptable conduct or, in this case, consumption choices, and then uses tools of the state to enforce those decisions. The second class is made up of all those outside the elite. The individuals in this group are stripped of personal autonomy and agency because the elite deem them incapable of making the right decisions about their own lives.

Mandatory plain packaging is an inappropriate use of government power. Claims that the regime has democratic approval are not sufficient to displace the concern that such a regime undermines personal responsibility and self-determination.

Plain packaging was not the only policy measure implemented by the previous government in its attempts to reduce tobacco consumption. A range of measures were highlighted in the parliamentary bill digest of the *Tobacco Plain Packaging Bill 2011*:

> the Government has introduced a range of measures, including: increasing the excise rate applying to tobacco products by 25 per cent as a part of the 2010–11 Budget; introducing legislation to restrict the advertising of tobacco products on the internet, in line with advertising in other media; increasing funding for anti-smoking social marketing campaigns and Indigenous-specific anti-smoking measures;

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and, subsidising the inclusion of nicotine replacement therapies on the Pharmaceutical Benefits Scheme.  

A further concern is that it lays a foundation for the application of similar policies in other areas of life. This was well summed up by the Institute for Market Economics:

...tobacco may be just the first victim in a global attack on branding. Other products deemed “sinful” may well be targeted in the future: fast food, alcohol, and even soft drinks. In economics, the availability of information is important. However, once the risks of using a product are known, to what extent does the government need to interfere with the choices of individuals in order to protect them from themselves? If everybody already knows that cigarettes cause health problems – and even impotence! – could we respect the choices of those who adopt this behaviour, even if this decision remains inscrutable to some?

This concern is rooted in the idea of ‘creeping normalcy’. This is the idea that previously perceived radical changes can become normal if implemented gradually over time. This would be the hope of many public health sociologists in relation to mandatory plain packaging of tobacco products.

The IPA has long predicted that there would be a push to extend the mandatory plain packaging regime from tobacco to other products. Fast food was already being discussed before plain packaging had come into effect. In fact, the IPA’s Mikayla Novak has previously pointed out that the South Australian government introduced plain packaging of R18+ videos in certain circumstances back in 2009.

Australian governments should be seeking to roll back the Nanny State, not grow it. This current federal government now has the opportunity to restrain the Nanny State by repealing the Tobacco Plain Packaging Act 2011.

34 Petar Ganev and Svetla Kostadinova ‘Plain packaging and its Unintended Consequences (European Perspective)’ Institute for Market Economics (November 2012) <http://ime.bg/var/docs/PlainP/Plain_packaging_IME_ENG.pdf>.
Conclusion

The available data has not shown mandatory plain packaging of tobacco products to be a successful policy. The key aim of the policy was to affect a decrease in tobacco consumption. This has not occurred. The effect of mandatory plain packaging on tobacco consumption is negligible, and may have even had the effect of a slight increase in consumption.

One of the intended effects of the plain packaging policy was to extinguish the right of Australian companies selling legal products to brand their products. This has undermined the property rights of tobacco companies without evidence of any public health benefit.

While not having any effect on consumption rates, it appears that the mandatory plain packaging policy has had a number of negative unintended consequences. One such consequence is an increase in illicit tobacco. The tobacco black market has expanded significantly since the introduction of mandatory plain packaging laws.

Some Coalition members of parliament have signalled their support for a repeal of Labor’s Tobacco Plain Packaging Act 2011. As reported in The Australian:

As public-health advocates yesterday debated industry figures showing a 0.3 per cent rise in tobacco sales under plain packaging, revealed in The Australian, Liberal MP Alex Hawke likened the initiative to other “nanny state” policies that Labor pursued, “even when it appeared they wouldn’t work”.

“I think our policy should be evidence-based and where governments get the best bang for their buck; that is on individual responsibility, rather than big government,” Mr Hawke said. He said the tobacco policy had failed and it should “absolutely” be revisited.

Queensland Nationals MP George Christensen said this week that plain packaging signalled an “inch-by-inch encroachment into our personal lives”.38

This is a welcome development. The repeal of mandatory plain packaging laws is a reform worth pursuing given the significant failure of the policy to achieve its stated aim, and the significant negative effects - both intended and unintended - that mandatory plain packaging has had.