



**Cancer Society of New
Zealand
National Office**

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21 May 2010
John Stribling
Ministry of Health,
PO Box 5013, Wellington
New Zealand

Dear John;

The Cancer Society of New Zealand thanks the Ministry of Health for the opportunity to comment on the proposal to ban tobacco retail displays in New Zealand.

We acknowledge the government's recent tax increases on tobacco products and we believe that a ban on tobacco displays is another major step in the right direction to protect the New Zealand public from the harms of tobacco products.

As such the Cancer Society is calling for a complete ban on the retail display of tobacco products and associated imagery. In order to support this measure we also support the following associated measures:

- All tobacco products to be kept in closed containers or cupboards under the counter within a specified time frame.
- That legislation prevents the use of such containers to market tobacco, for instance, by positioning, colours, lighting or shapes. Containers should not be stand-alone structures.
- A limit of one cash register and point of purchase (POP) location selling tobacco per shop.
- A ban on the payment of tobacco slotting fees to retailers, and any other payments to retailers in relation to the marketing and selling of tobacco.
- The in-store display of large graphic/pictorial health warnings at the POP, with the Quitline and local Aukati Kai Paipa providers' telephone numbers.
- The implementation of a self-funding Tobacco Retailer Licensing Scheme (TRLS) which requires retailers to attend annual training.
- Breaches in relevant regulations should result in the loss of licenses and therein the ability to sell tobacco products

We have attached a submission outlining our reasons for taking this position and answering some of the specific questions from the Ministry of Health's consultation document.

Best wishes

Dalton Kelly
Chief Executive
Cancer Society of New Zealand

Navid Foroutan
Tobacco Control Adviser
Cancer Society of New Zealand

A handwritten signature in black ink, appearing to read "D. Kelly", with a stylized flourish extending from the end of the name.

Cancer Society of New Zealand

The Cancer Society of New Zealand is a non-profit organisation which aims to minimise the incidence and impact of cancer on all those living in New Zealand. Tobacco smoking causes cancer of the lung, oral cavity, naso-, oro- and hypopharynx, nasal cavity and paranasal sinuses, larynx, oesophagus, stomach, pancreas, liver, kidney (body and pelvis), ureter, urinary bladder, uterine cervix and bone marrow (myeloid leukaemia). Furthermore, passive smoking is a cause of lung cancer in non-smokers; the excess risk is of the order of 20% for women and 30% for men.¹

As a result of the unequivocal link between smoking and cancer, the Society considers efforts to reduce smoking rates in this country to be one of the key strategic objectives of its cancer prevention programme and strongly supports efforts to reduce exposure to second-hand smoke, increase rates of smoking cessation and decrease uptake of smoking. Over the years the Society has provided important strategic leadership within Smoke-free, helping to establish key agencies which now play a major role in smoking cessation, health promotion and tobacco control policy development. We continue to strongly advocate for evidence-based regulation and other measures in order to reduce the impact of smoking in New Zealand.

¹ "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General". Surgeon General of the United States. 2006-06-27. Available at; <http://www.surgeongeneral.gov/library/secondhandsmoke>.

Opening comments

- The Cancer Society thanks the Minister and the Ministry of Health for the opportunity to provide feedback on the proposal to ban tobacco displays in New Zealand. We see a ban on the retail display of tobacco products as a key component of a legislative response to protect children from tobacco promotion and congratulate you on your leadership.
- We note that banning the retail display of tobacco products is a health issue, not an economic issue, and should be considered in the context of harm caused to young people and smokers who are exposed to these displays.
- The Cancer Society of New Zealand has chosen to comment on a selected number of relevant questions from the consultation document.

Specific Questions;

Question 1: In general terms, do you support the proposals set out in section 3 of this document? Please indicate which option(s) you prefer and why.

- The Cancer Society supports a total ban on the visual display of any tobacco products or imagery in retail outlets, with tobacco products required to be kept in closed containers/cupboards under the counter within a specified time frame.
- Current regulations allow companies to actively promote tobacco products through the thousands of tobacco retailers around New Zealand. Nearly all of these outlets contain prominent tobacco displays at the check-out which, far from being passive, provide tobacco companies with a critical avenue for promoting brand imagery and awareness.
- A growing appreciation within the marketing community of the importance of the retail environment, in conjunction with a lack of regulation, has seen tobacco companies invest heavily in retail marketing including point of sale space and display cabinets, slotting (display) fees, sales calls and trade allowances.
- Tobacco industry documents illustrate that tobacco companies see Point-of-Purchase (POP) displays as a critical marketing strategy. Their visual prominence has become the primary (and largest) vehicle for communicating brand imagery and building brand awareness for tobacco companies.
- The Cancer Society believes that in order to make headway into reducing youth smoking uptake and smoking rates, there must be a significant tightening of the current environment for the retail of tobacco products.
- In New Zealand, more than two-third (68 percent) of public support a ban on tobacco retail displays². This includes 59 percent of smokers. A recent survey

²Thomas G, Wilson N, Edwards R, Weeraskekera D, Bullen C. 2009. Smokers want government action: most smokers support more tobacco regulation, more smokefree policies and a dedicated tobacco tax: National survey data from New Zealand. World Conference on Tobacco or Health; 2009 8-12 March; Mumbai, India.

also showed that 62.5 percent of Māori smokers support a complete displays ban³. The issue has gained a wide support in the country.

- New Zealand is rapidly losing its place as a world leader tackling tobacco related harm. Overseas countries have rapidly moved to ban tobacco displays including Ireland (July 2009), the Australian States of New South Wales (2009), Tasmania (2011), Victoria (2011), Norway (2011) and the Australian Capital Territory (2010). Scotland has just passed its Tobacco Bill in Jan 2010 where tobacco will be removed in large shops in 2011 and smaller shops in 2013.

Question 3: What alternatives or amendments to the existing proposals would you suggest, and why?

- **Information on tobacco products to smokers:** Because of the potential of any product and price list display to be used as advertising, we suggest that the only such lists be Ministry of Health formatted booklets that are provided by retailers to purchasers on request only. These should include rotating graphic health warnings.
- **Vending machines:** The issue of vending machines must be tackled as part of a ban on tobacco displays. Clearly vending machines operate in similar ways to retail displays and could be used to undermine the legislation. We therefore strongly support the introduction of a total ban on tobacco vending machines as part of the legislation banning tobacco displays in retail outlets.
- **Licensing:** We support the introduction of a comprehensive tobacco licensing scheme in order to support greater regulation and control of the retail of tobacco products. This infrastructure will assist in managing and monitoring tobacco sale in New Zealand.
- Measures which should be considered as part of the introduction of a comprehensive tobacco retailer licensing scheme include:
 - Requiring tobacco retailers to stock and advertise a minimum range of smoking cessation aids, to levels set by the Ministry of Health.
 - A minimum age of staff selling tobacco, as is the case for alcohol. We suggest that the danger of the product, and the pressures on young people to sell tobacco, requires that a minimum age of 25 be made.
 - Any breach in relevant regulations should result in the loss of license and therein the ability to sell tobacco products (e.g. selling to minors)
- **Payments to retailers and disclosure:** We support a ban on tobacco industry payments to retailers (slotting fees, rebates, etc).
- In addition we support the introduction of legislation requiring the disclosure of tobacco industry practices and planning to enable government to track industry payments to retailers and planning to circumvent tobacco marketing laws.

³ Edward R, Wilson N, Thomson G, et al. 2009. Majority support by Māori and non-Māori for many aspects of increased tobacco control regulation: national survey data. NZ Med J;122 (1307)

Questions 15 and 16: More broadly, are there any other costs, benefits or impacts on business that should be taken into account? Please list any other impacts (quantified or estimated financial, social, or other issues) that may arise if this proposal were to become law.

In 2009, The Cancer Society commissioned Professor Janet Hoek and her team of researchers in Otago University to study a group of retailers who have put tobacco out of sight⁴. Although the sample for this research was small, it gave us a very good insight into the motivators and possible costs and benefits of banning tobacco displays from the retail outlets first hand.

The shop owners mentioned security and social responsibility as the two main reasons for putting tobacco out of sight. Security was the most commonly mentioned motivator for the retailers in this study and they stated that removal of open displays has made their stores more secure and less vulnerable to retail crime and tobacco theft. These findings are in direct contrast to the claims of tobacco industry and groups such as Stays Displays (now the Coalition of Community Retailers) who claim that banning the displays will increase the retail crime rates and thefts.

Overall the retailers in this research did not report high costs associated with the changes to their outlets and some mentioned that their alteration costs were covered by the tobacco companies.

Another argument that tobacco companies and some retailers use against banning the tobacco displays is that it would cause loss of income and profit to the shop owners. This was not supported by the retailers who participated in this study; most of whom acknowledged that the profits from tobacco sales form a small portion of their overall retail profits. The participants also noted that there was no loss of regular customers as a result their move to ban the displays. We have attached a copy of this research to our submission.

Finally the Cancer Society of New Zealand believes that Tobacco is far from being a normal consumer product and therefore its legal status should in no way protect it from regulation aimed at increasing cessation rates and decreasing smoking initiation. Tobacco must be regulated in line with the harm it causes and banning the tobacco displays is an important step in that direction.

⁴ Hoek, J and Vaudry R. Putting tobacco "out of sight"; an analysis of retailers' experiences. A report prepared for Cancer Society of New Zealand. Jan 2010, Otago University

For any correspondence in regard to this submission please contact;

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