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### **Plain tobacco packaging 'risks a price war', Abertay expert warns**

Reuters

UK Government plans to remove logos from cigarette packaging risk "dangerous unintended consequences", including a price war that could actually lead to more smoking, a law expert at the University of Abertay Dundee has warned.

Dr Enrico Bonadio argues that removing the last marketing tool for tobacco brands could have one of two consequences – either to help make health warnings more visible and more effective, or force companies to fight on price alone to retain market share.

Selling cigarettes in unbranded, plain packets was recently proposed as a legal change in Australia, which is planning to introduce the measure in 2012.

This led to the Scottish Government calling for action, and a subsequent commitment to plain packaging from the UK Government Health Secretary Andrew Lansley as part of a "radical new approach to public health". This week a new White Paper promised that a Tobacco Control Plan would be published soon.

Dr Bonadio said: "Reducing smoking take-up and encouraging people to quit are undoubtedly admirable public health goals, as the risks associated with smoking have been extensively proven. Removing logos could be a very effective way of reducing the appeal to first-time smokers.

"But using plain packaging to further cut smoking is potentially risky. Australia might face substantial legal action from large tobacco manufacturers, and removing this last marketing tool may force cigarette companies to cut prices to maintain their market share. It also risks an increase in counterfeiting."

Large tobacco manufacturers could lobby member countries of the World Trade Organisation to take action over such changes, claiming massive infringement of trademarks and intellectual property.

This could lead to litigation between nations. If the World Trade Organisation does rule that intellectual property is infringed by removing logos from packets, this would prevent any member country introducing plain packaging.

Dr Bonadio added: "Tobacco companies have already criticised Australian plans and the UK Government's call for a change in the law. If these powerful multinational companies were able to successfully lobby a member country of the World Trade Organisation, the consequences would be enormous.

"Care is needed, to ensure that public health is successfully promoted without intellectual property rights being infringed. We all want to see improvements in health and well-being around the world, but even the best ideas can have dangerous unintended consequences."

The idea was proposed by the last Labour government, but later dropped. Studies on the impact of branding on smoking have proven inconclusive, a fact acknowledged by Labour's then Health Secretary Alan Johnson.

To be legal under the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPs) rules, it has to be proved that plain packaging is necessary to promote improved public health. Educational campaigns could potentially be more effective, making the legality difficult.

A research note on the proposed changes by Dr Enrico Bonadio of Abertay University, and Professor Alberto Alemanno of HEC Paris, is published in the current issue of the European Journal of Risk Regulation.

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The EJRR research note is available on request.

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