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Committee on Technical Barriers to Trade  
Council for Trade-Related Aspects of Intellectual  
Property Rights

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## NEW ZEALAND - PROPOSAL TO INTRODUCE PLAIN PACKAGING OF TOBACCO PRODUCTS IN NEW ZEALAND

INFORMATION PROVIDED BY NEW ZEALAND TO THE COMMITTEE ON TECHNICAL BARRIERS  
TO TRADE AT ITS MEETING OF 6-7 MARCH 2013 AND TO THE COUNCIL FOR TRADE-RELATED  
ASPECTS OF INTELLECTUAL PROPERTY RIGHTS AT ITS MEETING OF 5-6 MARCH 2013

The following communication, dated 26 March 2013, is being circulated at the request of the delegation of New Zealand.

1.1. On 19 February 2013, the New Zealand Government announced its decision to work towards the introduction of a 'plain packaging' regime for all tobacco products in New Zealand.

1.2. The decision to work towards the introduction of a plain packaging regime was taken to advance New Zealand's public health objectives and follows a comprehensive public consultation process. The consultation process was notified to this Committee in July last year (G/TBT/N/NZL/62). The consultation period closed on 5 October 2012. The public consultation process was conducted on the basis of two main documents: the *Proposal to Introduce Plain Packaging of Tobacco Products in New Zealand* and a Regulatory Impact Statement. These documents are available on the New Zealand Ministry of Health's website:

- Consultation document: <http://www.health.govt.nz/publication/proposal-introduce-plain-packaging-tobacco-products-new-zealand>
- Regulatory Impact Statement: <http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements/plain-packaging-tobacco-products>

1.3. The public consultation process generated a number of submissions from interested parties in New Zealand and around the world. A summary of submitted views, and other relevant documents, have just been published on the New Zealand Ministry of Health's website. Interested members can view this material on the New Zealand Ministry of Health's website:

- <http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/plain-packaging>.

1.4. Submissions received through the consultation process were used to inform the Government's decision to work towards the introduction of a plain packaging regime for tobacco products. This decision was made in order to protect public health. Smoking is the single largest cause of preventable death and disease in New Zealand, with approximately 5,000 New Zealanders dying each year from smoking or exposure to second-hand smoke. In particular, New Zealand's indigenous people, the Māori, are overrepresented in all negative smoking statistics, with the prevalence of smoking among Māori almost double that of the general population.

1.5. New Zealand is determined to continue tackling this tobacco epidemic, and takes the negative impact on public health of tobacco consumption very seriously. For this reason, in 2010 the Government adopted the goal of making New Zealand essentially smoke-free by 2025. There is strong evidence that plain packaging, as part of a comprehensive tobacco control programme, will contribute to this goal. Details of this evidence were included in the consultation documents. In particular, plain packaging will:

- Reduce the appeal of tobacco products and smoking, particularly for young people;
- Reduce the wider social acceptance and approval of smoking and tobacco use;
- Increase the noticeability and effectiveness of mandated health warnings and images; and
- Reduce the likelihood of consumers acquiring false perceptions about the harms of tobacco products.

1.6. When combined with New Zealand's existing package of tobacco control measures, plain packaging will contribute to our broader objective of improving public health by:

- Discouraging people from taking up smoking, or using tobacco products;
- Encouraging people to give up smoking, and to stop using tobacco products;
- Discouraging people who have given up smoking, or who have stopped using tobacco products, from relapsing;
- Reducing people's exposure to smoke from tobacco products; and
- Supporting New Zealand to meet its international commitments and obligations under the World Health Organisation Framework Convention on Tobacco Control.

1.7. The decision to work towards the introduction of a plain packaging regime is part of a long policy development process that will continue for some time yet. This year New Zealand officials will commence the process of developing draft enabling legislation providing for a plain packaging regime, and detailed regulations to implement the regime will be developed subsequently. There will be opportunities during this process for interested parties to express their views on the design of the measure. We will notify the WTO at an appropriate time in order to facilitate such input.

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