Misleading Labelling

WHO FCTC Requirements, Evidence & Best Practices
WHO FCTC Article 11.1(a)
False and deceptive labelling

11.1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as “low tar”, “light”, “ultra-light” or “mild”.

World Health Organization
International Union Against Tuberculosis and Lung Disease
11.2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities.
Implications

- Light, mild, low-tar and other misleading terms are to be eliminated.
- Related “trade dress” such as colour patterns and numbers may also need to be eliminated.
- Packages must carry information on product ingredients or emissions “as defined by national authorities”. This DOES NOT necessarily mean quantities.
- National authorities can prohibit tobacco companies from voluntarily placing emissions information on packages.
WHO FCTC and other guidance on Articles 11.1(a) and 11.2

- **Guidelines** for implementation of Article 11 were developed by a working group of the COP
- Information also available at the FCTC secretariat website: [http://www.who.int/fctc/secretariat/en/](http://www.who.int/fctc/secretariat/en/)
- WHO advisory committees: TobREG and LabNet
The “light” deception

- Tobacco companies market so-called “light” or “low-tar” tobacco products to keep smokers in the market.
- Tar and nicotine yields come from machine-smoking tests with a nonvariable puff rate, puff length and puff depth.
- “Low-tar” cigarettes do not have lower levels of substances. They have filters with air vents that result in lower tar readings.
Closeup of vent holes in the filter.

Location of vent holes in the filter.

Source: New York State smokers’ quitsite

But smokers are not machines.

They smoke different brands in different ways.

Source: Cancer Research UK
How is the deception communicated?

Emission numbers

Colours and patterns

Brand names and descriptors

Images: Alex Lee
Impact of the deception

- Many smokers believe that “light” descriptors or lower emissions = less harmful
- Most smokers believe that tar numbers correspond to actual exposure
- Smokers of “light” brands are much less likely than other smokers to quit
  - recent research in the USA shows odds of quitting is about half
- In mature tobacco markets, “low-tar” tobacco products have a high level of market share
Potential solution: change the measurement system

- WHO is working with ISO (which is tobacco-company dominated) to propose new international measurement standards for emissions
- Some jurisdictions have implemented their own testing systems (e.g. Canada, State of Massachusetts in USA)

But....  
modified measurement systems so far DO NOT predict biological uptake of nicotine any better than ISO
Best practices: communication of ingredient information

- DO NOT communicate quantities of emissions
- DO list ingredients strategically
- DO consider statements to explain ingredients
Article 11: Guidelines for implementation
- information on constituents and emissions -

- Require relevant **qualitative** statements – on each unit packet or package – about the emissions of the tobacco product, e.g.
  - “Smoke from these cigarettes contains benzene, a known cancer-causing substance”
  - “Smoking exposes you to more than 60 cancer-causing chemicals”

- Statements should be on parts of the principal display areas or on an alternative display area (the side of packaging) not occupied by health warnings and messages

- No quantitative information, and no qualitative statements that might imply that one brand is less harmful than another:
  - tar, nicotine and carbon monoxide figures,
  - statements such as “These cigarettes contain reduced levels of nitrosamines.”
Ingredient information without quantities

- Smoking exposes you to more than 40 harmful chemicals.
- These chemicals damage blood vessels, body cells and the immune system.
- QUIT NOW to reduce your risk of chronic illness or premature death.

Australia

Brazil

ESTE PRODUTO CONTÉM MAIS DE 4.700 SUBSTÂNCIAS TÓXICAS, E NICOTINA QUE CAUSA DEPENDÊNCIA FÍSICA OU PSÍQUICA. NÃO EXISTEM NÍVEIS SEGURES PARA CONSUMO DESTAS SUBSTÂNCIAS.

Chile

Thailand

Images: Alex Lee
Ingredient information without quantities

WARNING: TOXIC CHEMICALS
Tobacco smoke contains over 4,000 toxic chemicals in each puff. These chemicals damage blood vessels, damage the DNA in your cells, and attack your immune system. Quit today.

WARNING: BENZENE
Inhaling smoke from this product releases benzene into your body. Benzene causes leukemia and other cancers and is believed to be harmful at any level of exposure.

WARNING: CADMIUM
Inhaling smoke from this product releases cadmium into your body. Chronic exposure to cadmium can lead to lung cancer and prostate cancer.

WARNING: FORMALDEHYDE
Every time you inhale smoke from this product, you inhale formaldehyde. Formaldehyde causes cancer and can irritate the eyes, nose, and throat.

Images: Alex Lee
Best practices: misleading labelling

- WHO FCTC requirement: “... any term, descriptor, trademark, figurative or any other sign ...”
  - DO eliminate descriptive terminology
  - DO eliminate associated colour patterns
  - DO eliminate any use of numbers

Failing to do all three of these will have limited impact
Article 11: Guidelines for implementation
- misleading labelling -

- Prohibit use on packaging of *any* terms that might mislead consumers, including terms beyond those specifically listed in Article 11 (e.g. “extra”, “ultra”)
- Prohibit the display of figures [numbers] for emission yields, including when these are used as part of a brand name or trademark
- Prevent the display of expiry dates, as these may mislead consumers into concluding that tobacco products are safe to be consumed at any time.
Brazil bans misleading terms: Cigarette packages BEFORE ban

Free One

Free Ultra Lights

Free Low Yields

Source: Cristiane Vianna, INCA, Rio de Janeiro
Brazil bans misleading terms: cigarette packages AFTER the ban

Free 1

Free 4

Free 6

Source: Cristiane Vianna, INCA, Rio de Janeiro
Next step in Brazil: no numbers allowed, but colours serve the purpose

Source: Cristiane Vianna, INCA, Rio de Janeiro
"Helpful" guidance from tobacco companies

In Brazil, just prior to the coming into force in 2002 of a prohibition on the use of "light", "mild" and other misleading terms on packaging, tobacco companies put inserts into packages explaining very clearly to their customers how to interpret different colours.

"Soon your Derby is going to change the name of its versions King Size, Suave (Mild) and Lights. Now besides the different yields, the traditional colours are going to mark the difference among them:

Red for those that prefer a more intense taste
Blue for those who want mildness
Silver light taste, the lighter of the family"
Plain packaging: a feasible solution in some countries

Images: Alex Lee
Summary

- Misleading labelling (descriptors and emission numbers) has led smokers to falsely believe that "low-tar" and "light" cigarettes are less harmful, and has deterred many smokers from quitting.
- Governments can reduce the deception by prohibiting emission quantities and misleading descriptors/imagery on packaging.
- Plain packaging is the ultimate solution: countries where this is politically feasible should pursue it.