

01-55

Smith L (Lee-Anne)

From: Glen J (John)
Sent: 01 March 2007 09:59
To: Smith L (Lee-Anne)
Subject: FW: Philip Morris Limited Submission on Raising the Minimum Age for Sales of Tobacco

JOHN GLEN
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-----Original Message-----

From: Mohrmann, Christine [mailto:Christine.Mohrmann@pmintl.com]
Sent: 28 February 2007 16:31
To: Glen J (John)
Subject: Philip Morris Limited Submission on Raising the Minimum Age for Sales of Tobacco

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John

Thank you for the opportunity to provide you with Philip Morris Limited's comments on the consultation on the draft Smoking, Health and Social Care (Scotland Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007.

Please find attached our submission.

If you have any comments or questions, please feel free to contact me.

Yours sincerely

Chris Mohrmann
Corporate Affairs Manager UK/Ireland

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Philip Morris Limited's comments on the consultation on the draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007
28 February 2007

Philip Morris Limited (PML)¹ welcomes this opportunity to provide comments to the Scottish Executive on the consultation on the draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications) Order 2007.

Smoking is addictive and causes serious and fatal diseases, including lung cancer, heart disease and emphysema. We consider it appropriate for governments and the public health community to take measures to prevent minors from smoking. Smoking should be a choice available only to adults, and regulation should include measures to prevent youth access to tobacco products as part of a comprehensive framework to reduce the harm caused by tobacco.

Minors should not smoke. To help ensure they do not smoke, we **strongly support increasing the minimum age for sales of tobacco products from 16 to 18 years old as provided for in the draft Order**. We agree that this would bring the age limit into line with a number of other restricted goods, such as alcohol, and would simplify enforcement. It would also be consistent with legislation in England and Wales (effective 1 October 2007); most Member States in the EU and other countries, such as Australia and New Zealand.

A minimum age law will only be effective if it is vigorously enforced. Retailers should check for proof of age -- whether it is a picture driver's licence, passport or proof of age card -- for anyone appearing to be under 18. Today, there are a number of identification cards used by the consumer. A universal proof of age scheme would make it easier for the retailer to verify age. Retailers must also understand that failure to follow the law will result in meaningful penalties, including the loss of the right to sell tobacco products in the event of repeated violations. They should also receive guidance and training on the requirements of the law and steps that can assist them in ensuring that they and their employees do not sell tobacco to minors. The introduction of a licensing system applied to all retailers would help enforce the law. Under such a system, a retailer that violated the minimum age law should be subject to a significant fine and, on repeated violations, lose its licence to sell tobacco products.

All places that sell tobacco products should also be required to post a sign informing customers that it is illegal to sell tobacco products to underage persons. This will help to communicate to consumers that the retailer will not sell to an underage person.

¹ Philip Morris Limited is the UK affiliate of Philip Morris International Management S.A. (www.philipmorrisinternational.com). Philip Morris Limited is not a member of the UK Tobacco Manufacturers' Association.

We also firmly believe that the law should make the *purchase and use* of tobacco products by minors unlawful. As shown in the "Scottish Schools Adolescent Lifestyle and Substance Use (SALSUS) National Report: Smoking, Drinking and Drug Use among 13 and 15 year olds in Scotland in 2004," many young persons are given cigarettes by, or buy them from, friends and family. Underage persons should understand that if they smoke or use tobacco products that they are engaging in unlawful activity. Customers should automatically expect to have to provide proof of age when requesting purchase of tobacco from retailers. And adults should understand that minors should not smoke and that they shouldn't provide underage persons with tobacco products.

Legislation to prevent minors from drinking alcohol is a good example of an effective system - minors are fined for purchase and consumption, but those that provide alcohol to minors are also penalised. The Licensing (Scotland) Act 2005 establishes a fine of up to £1,000 for an underage person for purchase or consumption of alcohol; and for a person who purchases alcohol on behalf of a child or sends a child to obtain alcohol; he could receive a fine up to £5,000. The Government should consider establishing similar provisions for tobacco products.

Laws alone are not enough. Youth smoking is a complex problem that requires concerted, comprehensive efforts to solve. Clearly, the Executive should continue to educate minors about the serious health effects of tobacco use. We believe education for underage persons is a fundamental component of youth smoking prevention, and various stakeholders can take part in it. Access prevention, education, and other efforts should be used in conjunction to create an environment in which minors do not want and cannot smoke. Achieving that requires a concerted effort of *all* stakeholders involved, including parents, teachers, doctors, other educators and people that influence children's behaviour, as well as the government and the tobacco industry.

We are committed to doing our part. Philip Morris International and its affiliates support youth smoking prevention programmes in many countries where our products are sold. Our priority focus is on retail access prevention programmes designed to encourage retailers to strictly comply with minimum age laws and impress upon their customers and consumers that cigarettes should not be sold to minors.

In the UK, we, along with other tobacco manufacturers and CitizenCard, support the *No ID No Sale* programme. This is aimed at raising awareness of the minimum age law for tobacco sale currently in force, encouraging retailers to ask for identification from customers, and raising awareness with the public that retailers will ask for identification if a customer appears underage. The information pack delivered by tobacco companies to the tobacco retailers includes a sticker for the shop door, a register to record sales refusals, information about the existing law and identification card application forms. We will continue to work with the industry and CitizenCard to increase efforts to address youth smoking prevention. We would welcome regulation that incorporates this, or a similar scheme, into legislation.

We would welcome the opportunity to provide the company's views to the Scottish Executive. Our intention is to work cooperatively and constructively with the Government to address issues that are of legitimate concern to both the Government and consumers. We would be pleased to provide further information to the Executive on the points raised in this document.