

02-61

**Smith L (Lee-Anne)**

---

**From:** Glen J (John)  
**Sent:** 02 March 2007 09:36  
**To:** Smith L (Lee-Anne)  
**Subject:** FW: Cross Party Group on Tobacco Control consultation responses

Report

**JOHN GLEN**  
**Tobacco Control Team**  
**Public Health & Substance Misuse Division**  
**Area 3 E**  
**St Andrew's House**  
**EDINBURGH**  
**EH1 3DG**

-----Original Message-----

**From:** Rachel Harrison [mailto:RHarrison@ashscotland.org.uk]  
**Sent:** 02 March 2007 09:25  
**To:** Glen J (John)  
**Cc:** Eleanor.Scott.msp@scottish.parliament.uk  
**Subject:** Re: Cross Party Group on Tobacco Control consultation responses

.....  
This email has been received from an external party and  
has been swept for the presence of computer viruses.  
.....

Hi John,

On behalf of Eleanor Scott MSP, Convenor of the Cross Party Group on Tobacco Control, I've attached the Group's responses to the 16-18/prevention recommendations consultations. Please get in touch if you've any queries, and thanks again for the generous extension on the deadline,

With best wishes,

Rachel

<<letter from the CPGTC on prevention recommendations.doc>> <<letter from CPG 16-18 consultation response.doc>>

Rachel Harrison, PhD  
Policy and Research Manager  
ASH Scotland  
8 Frederick Street  
Edinburgh EH2 2HB

Tel: 0131 220 9478  
Fax: 0131 225 4759

[www.ashscotland.org.uk](http://www.ashscotland.org.uk)

Email your enquiries on tobacco and smoking to the ASH Scotland Information Service:

[enquiries@ashscotland.org.uk](mailto:enquiries@ashscotland.org.uk)

Visit Tobacco Information Scotland: your national gateway to tobacco control information:

<http://www.tobaccoinscotland.org.uk>

**E-Mail Disclaimer**

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender immediately of any error in transmission.

**PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.**

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs. In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit [www.cctmark.gov.uk](http://www.cctmark.gov.uk)

28<sup>th</sup> February 2007

John Glen  
Scottish Executive Health Department  
Tobacco Control Division  
3 E(R), St Andrew's House  
Regent Road  
EDINBURGH, EH1 3DG

**Scottish Executive Consultation on Smoking Prevention Working Group  
Report: Towards a Future without Tobacco**

Dear Mr Glen,

The Cross Party Group on Tobacco Control (CPGTC) welcomes the opportunity to comment on the comprehensive recommendations outlined within the Smoking Prevention Working Group's (SPWG) report 'Towards a future without tobacco.' The CPGTC congratulates Ministers for the initial support that they have shown on the Group's recommendations relating to taxation, raising the minimum legal age for tobacco sales from 16 to 18, and the proposed 5 year action plan for consideration by the new administration following the Scottish Parliamentary elections in May 2007.

This submission represents the view of the CPGTC as a whole, and it may not fully reflect the views of individual member organisations. CPGTC members are listed on page 6 of this submission.

**1. General comments**

**The CPGTC endorses and supports all 31 recommendations outlined in the Smoking Prevention Working Group's report.**

The CPGTC considers that adequate resources will be essential in order to implement the proposed recommendations, and careful consideration should be given to how these resources are allocated.

In addition, a range of relevant bodies and organisations should be involved in overseeing the implementation of these recommendations.

The CPGTC also suggests that the Scottish Executive should publish timescales for the implementation of the recommendations.

## **2. Comments related to specific recommendations**

***Recommendation 5 (page 8): "Ensure that much greater efforts are made to enforce the prevailing legal age of purchase. This should include: the use of proof of age; active test purchasing; prosecution with heavy fines and education of retailers and trading standard officers."***

The CPGTC supports and endorses the multi-component approach advocated by the Smoking Prevention Working Group. In addition, the CPGTC recommends that:

- Adequate and stable funding should be allocated for the proposed enforcement measures to accompany the minimum age law
- Education and information campaigns should target parents regarding their children's tobacco use. By making illegal sales a community issue, underage purchasing becomes the responsibility of health authorities, education authorities, public health agencies, trading standards officers, retailers, parents and the general public.

***Recommendation 6 (page 8): "Introduce a negative licensing scheme to enable vendors who repeatedly sell cigarettes to under-age customers to be prohibited from selling tobacco products"***

The CPGTC supports the introduction of a licensing scheme, as the penalties for non-compliance must be high enough to serve as a real deterrent, and must not be considered as merely another cost of doing business.

There are two types of licensing scheme to discourage retailers from selling tobacco to under-age customers - a positive licensing scheme, and a negative licensing scheme.

Positive licensing schemes require all premises which sell tobacco to be licensed. Retailers found breaking the law on under-age sales can have their licence suspended or revoked. Positive licensing schemes are currently in place in 4 Australian states: Tasmania, South Australia, the Australian Capital Territory, and the Northern Territory.

Rather than requiring all retailers to be licensed, negative licensing schemes simply forbid sale by those who infringe the law. Negative licensing schemes are currently in place in states in the Australian states of Queensland, Victoria, and New South Wales, in Ontario, Canada and in New Zealand.

We refer the Scottish Executive to the separate response submitted by ASH Scotland for a more in depth analysis of the supporting evidence for and against both types of scheme.

The CPGTC recognises that a negative licensing scheme can be introduced more quickly and incurs less cost than a positive licensing scheme. However, positive licensing schemes hold several advantages over negative licensing

schemes. For example, positive licensing schemes provide a comprehensive record of all tobacco retailers, which facilitates targeted education, training and information. Positive licensing schemes also generate revenue through administrative costs on businesses in the industry, which can be used to support other strands of enforcement. In addition, positive licensing schemes provide enforcement options that are less costly (i.e. revoking licences) than legal actions through the courts. As they are easier to implement, this in turn leads to a greater deterrent to retailers.

The CPGTC acknowledges that the higher costs associated with a positive licensing scheme need to be taken into consideration. However, if a negative licensing scheme is introduced in Scotland, it must be effectively monitored and evaluated. If the outcomes associated with negative licensing were not demonstrated to be beneficial, then the CPGTC would welcome the introduction of a positive licensing scheme in the longer term.

***Recommendation 10 and 11 (page 8):***

*- "refer the issue of the sale of packs of 10 cigarettes to the UK Government for consideration in the light of further research into its likely impact"*

*- "commission research to ascertain the extent to which young people in Scotland purchase cigarettes in packs of 10"*

The CPGTC suggests that it would be valuable to conduct research to ascertain the extent to which young people in Scotland purchase packets of cigarettes with fewer than 20 in them. Gallaher has recently launched Camel Subtle 14s within the UK. This product, which contains 14 cigarettes per packet, has been launched with young adult smokers in mind.

In addition, The CPGTC suggests that it would be valuable to conduct research through specialist smoking cessation services with adults trying to quit, to ascertain whether the availability of packs of less than 20 cigarettes is an important factor in cutting down and/or quitting smoking.

In Ireland, the sale of packs with fewer than 20 cigarettes in will be prohibited from 31<sup>st</sup> May 2007. The impacts of this new law should be monitored very closely, and taken into account in any further debate on the issue of banning packs of fewer than 20 cigarettes in the UK.

***Recommendation 17 (page 9): "Reinforce the UK Government's intention to require graphic photographs of smoking-related diseases to be displayed on cigarette packets."***

The CPGTC welcomes the introduction of graphic picture warnings being placed on cigarette packets. However, it should be noted that the UK Government's intention to require picture warnings on the *back* of cigarette packets is out of step with international best practice, and could severely limit the impact of this otherwise effective tobacco control measure.

If the picture warnings are placed on the back of packs, they will likely have little effect in deterring individuals from buying tobacco products, since the health warnings will not be visible until after the purchase has been made and the potential effectiveness of this measure as a means of increasing motivation to quit smoking, and deterring smoking initiation and relapse, will be severely compromised.

The CPGTC urges Ministers to lobby the European Commission to amend the current Decision requirements, in order that picture warnings can be placed on both sides of tobacco packs, in line with international experience and scientific evidence on maximum effectiveness.

**Recommendation 19 (page 9):** *"Prohibit the display of cigarettes at the point of sale, to be replaced by a simple list of the brands available and their prices."*

The CPGTC endorses and supports the recommendation to introduce out-of-sight sales of cigarettes and other tobacco products. Point of sale advertising is crucial to the tobacco industry. It is an extremely effective method of encouraging experimentation by young people through the marketing attached to packages. Tobacco companies have aggressively pursued point of sale advertising as their primary means of product promotion. Retail outlets provide a means for tobacco companies to provide timely product purchase cues to would-be quitters. Consequently, the retail setting may present relapse challenges for quitters and may stimulate impulse purchases from recent ex-smokers, occasional smokers and teenage experimenters.

**Recommendation 23 (page 9):** *"At the relevant stages, parents should be encouraged by midwives, health visitors, general practitioners and hospital doctors, nursery staff and teachers to create a smoke-free home and not smoke when their children are present."*

The CPGTC proposes that this recommendation is widened to incorporate carers and wider family members such as grandparents, who may be involved in routine child-care arrangements. This recommendation should also extend to staff involved in caring/education and welfare roles within local authorities and the voluntary sector. In addition, health promotion workers could also play an important role in encouraging and enabling parents, carers and other family members to create a smoke-free home.

The CPGTC considers that evidence-based national guidance should be developed in order to successfully implement this recommendation. The guidance should be developed to assist health professionals provide consistent, clear and accurate information on the dangers of children's exposure to second-hand smoke, and on the benefits of creating a smoke-free home environment.

**Recommendation 31 (page 10):** *"The recommendations in this report should be used by the Scottish Executive as the basis for developing a fully*

*resourced five year Action Plan, with built in performance measures subject to monitoring by the Scottish Ministerial Group for Tobacco Control."*

The CPGTC welcomes the call for the recommendations in this report to be used by the Scottish Executive as the basis for developing a fully resourced five year Action Plan, with built in performance measures subject to monitoring by the Scottish Ministerial Group for Tobacco Control. The CPGTC suggests that the aptness of the membership of the Scottish Ministerial Group for Tobacco Control be reviewed, to ensure that members hold expertise and knowledge related to young people and smoking prevention.

The Tobacco Control Action Plan set out in '*A Breath of Fresh Air for Scotland*' has paved the way for a number of successful tobacco control advances in Scotland, including the allocation of substantial additional funding to smoking cessation services across Scotland since 2003; the introduction of smoke-free public places; and the establishment of PATH to develop national standards for smoking cessation training and national data collection and monitoring tools, and to fund local Scottish pilot projects and youth development work.

A comprehensive tobacco control strategy, involving prevention, education, training, cessation, action on tobacco supply and promotional measures is needed to address the issue of young people's tobacco use. The CPGTC would welcome the opportunity to be involved in further discussions related to the development of the proposed 5-year Action Plan, and the implementation of the proposed recommendations. Please contact me if you require any additional information related to any aspect of this submission.

Yours Sincerely,

Eleanor Scott MSP  
Convenor, Cross Party Group on Tobacco Control

## **ANNEX 1: Cross Party Group on Tobacco Control Members**

### **MSP Members:**

Brian Adam MSP  
Bill Aitken MSP  
Shiona Baird MSP  
Mark Ballard MSP  
Ted Brocklebank MSP  
Donald Gorrie MSP  
Paulline McNeill MSP  
Stewart Maxwell MSP  
Irene Oldfather MSP  
Eleanor Scott MSP  
Nicola Sturgeon MSP  
John Swinburne MSP  
Nora Radcliffe MSP

### **Non MSP Member Organisations:**

ASH Scotland  
Asthma UK Scotland  
British Lung Foundation  
British Medical Association  
British Heart Foundation  
Cancer BACUP  
Cancer Research UK Scotland  
Centre for Tobacco Control Research, Stirling University  
Macmillan Cancer Relief  
Marie Curie Cancer Care  
Royal College of Nursing  
Royal Environmental Health Institute for Scotland  
Roy Castle Lung Cancer Foundation  
Scottish Tobacco Control Alliance