

Summary of responses

23 written responses were received to the consultation which ran for 12 weeks (July to September 2002). A summary of comments is included below.

NHS, LOCAL AUTHORITIES

Respondent	Comment
Bro Taf Health Authority	Supportive of aims of the Directive. Believes the black border lies outside the area set outside for the health warning and considers that lead in times should reduce the amount of non-compliant stock being sold off.
LACORS	Supportive of the regulations.

HEALTH ORGANISATIONS

British Medical Association	Supportive of the regulations and their application to exports. Would recommend still larger health warnings, including pictorial warnings. Believes a complete list of contents and emissions of tobacco products should be provided to the consumer with each pack. Supports new maximum yields of tar, nicotine and carbon monoxide, but concerned about ISO methodology. Considers that the ban on 'misleading descriptors' should include branding / packet designs which imply that one product is less harmful than another.
Royal College of Physicians	Supports the regulations.
Faculty of Public Health	Recognises the Directive represents progress but considers pictorial warnings are potentially more powerful. Considers that it is inappropriate that the Government has sought 'maximum periods of derogation' on aspects of the Directive. Supports the ban on 'misleading descriptors' on packets but thinks this should be accompanied by an equivalent provision as regards other material and statements produced by the tobacco industry.
Royal College of Nursing Scotland	Supports the regulations. Suggests additional focus for wording of health warnings.
Royal College of Paediatrics and Child Health	Supports the regulations.
Royal College of Midwives	Supportive of the regulations but suggests that the wording of the health warnings should include a greater focus on women's reproductive health issues.
ASH	Supportive of the regulations. Concerned that the ISO methodology does not provide a realistic yield of toxins consumed and therefore questions the value of yield statements. Believes that additional warnings should be rotated an equal number of times. Would support larger health warnings using pictograms. Hopes that the product information collected will enable a common list of permitted ingredients to be established but suggests a tobacco regulatory function should be established.
ASH Scotland	Supports the regulations. Disappointed that the cigarettes which do not comply with the new yield statements can continue to be exported until 2007. Concerned with ISO methodology and subsequently with displaying yield statements calculated on this basis. Believes additional warnings should all appear an equal number of times and would prefer larger, pictorial health warnings. Welcomes the interpretation that the black border should lie outside the area reserved for the health warning.

INDUSTRY

Tobacco Manufacturers' Association	Concerned that as the UK is late in implementing the Directive, transition periods to allow non-compliant products to be sold through the retail chain have been reduced to 9 /21 months. Considers that this will have particular problems for products with a lower turnover. Believes that the Government should delay implementation on account of legal challenge to the Directive. Does not consider that Article 7 should be applied to exports. Believes that the cost to industry has been underestimated. Makes a number of specific suggestions on the wording of the draft regulations.
Imported Tobacco Products Advisory Council	Concerned that the UK interpretation of the location of the black border to surround the health warning will adversely affect UK cigar industry. Due to the lengthy production process, it is impossible for the manufacturer of low volume lines to identify the time of production for all its products. Believes that 'misleading descriptors' concerning cigars relate to taste. Descriptors should therefore be permitted under regulations if they refer to taste characteristics. Believes that implementation times should be extended as consultation process was delayed.
Philip Morris International	Supports requirements to disclose yields and suggests a measurement tolerance is necessary for carbon monoxide. Agrees that 'misleading information' should not be disseminated, but considers that adjectives referring to taste properties should be permitted. Suggests a 'three list model' for the disclosure of product information should be adopted.
JT International	Does not believe that the ban on 'misleading descriptors' should be applied to its brand <i>Mild Seven</i> .
Hunters & Frankau	Believes the black border should lie inside the area reserved for the health warning, particularly for non-cigarette products, to reduce the impact of the regulations on the imported cigar sector.
The Wholesale Confectionery & Tobacco Alliance	Concerned about the effect of slow moving non-compliant stock. Does not believe the Regulatory Impact Assessment fully appreciates these problems. Would like to see the regulations oblige the manufacturer to retake unsold stock and refund the wholesaler for any costs incurred in the collection of unsold stock. Suggests Trading Standards Officers permit a period of grace before the regulations are enforced.
Somersfield	Concerned that the implementation times do not allow enough time to sell off slow moving stock. Suggest Trading Standards Officers should not enforce the regulations immediately to allow for time to sell stock.
The Co-operative Group	<p>Considers that the time needed by the retail industry to clear slow moving stock has been underestimated. Believes that as the UK will be late in implementing the Directive, the lead-in times should be extended by the appropriate amount of time, to allow for a full one / two years after the date on which the regulations are laid.</p> <p>In relation to product descriptors, non-compliant produce can be produced and marketed up until 30th September 2003. Therefore there will be a volume of non-compliant stock held by retailers at that date. The same argument applies to the provisions to introduce labelling of yields.</p>
Field Packaging Tobacco	The tobacco companies will fund the cost burden associated with the new packaging requirements (not the printing/ packaging suppliers as suggested in the RIA) Concerned that manufacturing of brands with higher tar levels will re-locate to non-EU premises before 2007. Believes that the ban on 'misleading descriptors' should not apply to exports.

MISCELLANEOUS

Sorptomist International	Concerned that the scope of the regulations may not cover gutkha and other tobacco based sweets
Mr Darrall, Independent consultant on tobacco methodology	Error in the definition of 'nicotine'
LGC (formerly the Laboratory of the Government Chemist)	Suggests two technical clarifications.
Professor Richardson, Professor of Orthopaedics	Suggests all packs should refer to the addictive nature of smoking as well as related diseases.