

Proposal to Ban Tobacco Retail Displays in New Zealand

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 nationally organised societies. NCWNZ has 26 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, families and the community through research, study, discussion and action.

NCWNZ welcomes the opportunity to consider the proposal to ban tobacco displays in New Zealand. In recent years NCWNZ has made a number of submissions on this subject, most recently the updating of the law controlling tobacco displays in 2003 to the Ministry of Health, as part of the "Smokefree Environments Amendments Act" and in February 2008 on the "Future of Tobacco displays in New Zealand". The majority of NCWNZ members supported a complete ban on retail displays of tobacco products. The NCWNZ Board has also confirmed its support of the campaign initiated and promoted by the Cancer Society and ASH, to ban all cigarette displays.

This submission has been prepared by the Consumer Affairs Standing Committee following consultation with the wider membership throughout New Zealand. NCWNZ member responses are detailed in the accompanying questionnaire presented with the Consultation Document.

1. In general terms, do you support the proposals set out in section 3 of this document? Please indicate which option(s) you prefer and why.

A complete ban of point of sale tobacco displays is strongly supported by the majority of NCW members as this is considered to be likely to be effective in reducing consumption. The proposals as set out received almost unanimous support from over 150 members from 12 NCW Branches and interested groups. Most of the options were accepted, as evidence suggests tobacco displays do influence the uptake of smoking by younger people and those smokers trying to quit, and create a false impression of safety, social responsibility and prevalence of tobacco use. Any option not fully supported is discussed under the appropriate question e.g. option (h).

2. If you do not support the proposals as a whole, what specific elements of the proposals do you support / not support, and why?

Three responses considered the status quo should remain as smoking was not illegal. 'Legal' products should be able to be advertised and as smokers they felt discriminated against – in their opinion – and questioned that this was an infringement of their Human Rights. Many responders considered they did not have the knowledge or expertise to comment on the modifications necessary for existing cabinetry and tobacco display units as applicable to retailers and retail groups.

3. What alternatives or amendments to the existing proposals would you suggest, and why?

Many responses recommended plain packaging should be used for tobacco products as another means of minimising exposure, with no brand names visible or bright colours used, (e.g. Australian system). Questions were asked if the proposals to change the regulations would apply to sports clubs, bars, casinos and vending machines, where plain packaging would be a definite positive change to minimise exposure.

4. Would you support a different level of regulation being applied to specialist tobacco retail outlets versus retail outlets generally? Why / Why not?

Differing opinions and viewpoints were presented to this question. Concern was expressed about the actual location of specialist tobacco retail outlets. Example cited of outlet sited between 2 secondary schools. 30% of responses considered there should be no exceptions and specialist tobacco retail outlets should be regulated the same as other retail outlets. 70% of responses were supportive of the proposal for specialist tobacco retail outlets to have a display area or unit where one packet of each brand variant tobacco product stocked could be visibly displayed. A few responses were concerned that these outlets would experience loss of gross revenue and income if the regulations change. Comments made were 'specialist retail outlets if licensed in the same way as a liquor outlet should be permitted to display products'.

5. If a ban on tobacco retail displays was implemented, what transition time would you support for retail outlets generally, and for specialist tobacco retail outlets specifically?

Responses varied in the transition time suggested for implementation. It was generally recommended for retail outlets 3- 6 months was acceptable and for specialist outlets 9 – 12 months.

6. What are the practical limitations (excluding transition timing), if any, to modify different types of retail cabinetry and units that store and display tobacco products, as set out in section 3 of this letter?

No responses to this question.

7. What are the practical limitations (excluding transition timing), if any, to replace retail cabinetry and units that store and display tobacco products so that tobacco products are stored under counters, in drawers or in vending units operated by the retailers (or in another manner that prevents products being visible at any time other than when being handed to a customer)?

No responses to this question.

8. Is handing a customer a list of products and prices a practical strategy for assisting customers to select tobacco products in the absence of visible displays and if not, why? Are there any practical difficulties in implementing such a strategy? If so, what?

Varying viewpoints were presented to this question. Some responses indicated they were unsure of the best strategy to implement, whilst others emphatically disagreed with this proposal.

Selection – they considered – from a published list would be time wasting especially in a supermarket, diary or petrol station and cause delays. Many expressed that comment that most smokers were brand loyal and it would be disadvantageous to offer those considering smoking for the first time or after quitting smoking any choices. A few responses considered had a right to choose which tobacco product they preferred e.g. Size menthol, non-menthol etc.

9. What gross revenue target (if any) should define whether a retail outlet is entitled to operate as a specialist tobacco retail outlet and thus display a limited number of tobacco products? Is there an alternative approach that could be considered?

No responses to this question.

10. Should smoke-free officers be given a power to require the provision of information to enable them to legally display a limited number of tobacco products as a 'specialist tobacco retail outlet'? Why?/Why not? Under what circumstances should such a power be able to be exercised? Can you suggest another mechanism for determining whether a retail outlet meets the requirements of a 'specialist tobacco retail outlet'?

There were few responses to this question. Those members who did respond considered smoke-free officers should be given specific powers as outlined. In general, responses supported that the proposed legislation gives enforcement officers greater powers to police and enforce compliance with the legislation.

Summary

In the light of recent research and recent moves by other jurisdictions, NCWNZ members consider there is sufficient basis for giving new consideration to banning point of sale tobacco retail displays in New Zealand.

It is a timely move and supported by a large majority of the NCWNZ membership. There is unanimous agreement that all retail tobacco outlets continue to be required to display the existing under 18 signage and a sign stating that SMOKING KILLS.

Members recommended that graphic health warning posters also be displayed at point of sale.

NCWNZ thanks the Minister and the Ministry of Health for the opportunity to provide feedback and opinion on "The Proposal to Ban Tobacco Retail Displays in New Zealand" so that the views of our members may be taken into consideration of the decision-making process.

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