

## **EU Konsultation im Rahmen der Überarbeitung der Tabakproduktrichtlinie der EU 2001/37/ED**

Antwort von FACT auf die EU Konsultation im Rahmen der Überarbeitung der Tabakproduktrichtlinie der EU 2001/37/ED. Diese Antwort wurde im Einklang mit der Position von ENSP (European Network for Smoking Prevention) und basiert auf die Publikation des DKFZ verfasst: "Verbesserung des Jugend- und Verbraucherschutzes durch die Überarbeitung der europäischen Tabakprodukt-Richtlinie 2001/7/EG" Rote Reihe, Band 16, 2010.

Der EU Fragebogen der Konsultation steht unter folgendem Link zur Verfügung:  
[http://ec.europa.eu/health/tobacco/docs/tobacco\\_consultation\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/tobacco_consultation_en.pdf)

Einsendeschluß: 17. Dezember 2010

Fragebogen – Antworten FACT

### **Scope of the Directive**

The scope of the directive should be enlarged to ban also new tobacco products and novel forms of oral tobacco.

New smoking devices have been developed to perpetuate the smoking habit and to counteract tobacco prevention and cessation efforts by governmental and non governmental organisations. So called "electronic cigarettes" are being commercialised as less hazardous alternatives to smoking or even as smoking cessation aids. The scientific evidence shows however, that these products are simple nicotine delivery devices, are highly addictive and should therefore not be sold in the EU.

Consumers believing these marketing strategies are lured into continuation of their habit instead of giving up smoking. This is particularly true for women and girls, who have on one hand have a great concern for their health. On the other hand, giving up smoking is much harder for women and girls as it is for men... Therefore so called "less harmful" tobacco products offer an alternative to quitting and counteract targeted prevention efforts.

WHO considers that the next victims of the tobacco epidemic will be women. In fact WHO expects that until 2025 the number of women smoking is expected to triple.

In Europe since 1980, smoking rates have steadily decreased with men but have increased for women. An increase of women smoking rates between 1985-2003 could be shown in Lithuania (100%), Greece (95%), Malta (91%), Finland (36%), Austria (24%), Hungary (24%), Estonia (16%), Cyprus (14%), Germany (11%), Spain (8%) (Aspect report 2004). Highest smoking

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rates of women in Europe in 2005 were recorded in : Austria, Germany, Greece, Hungary and Luxembourg with adolescents girls having higher smoking rates than women (Women's Health in the European Union 2010).

All over Europe it has been seen that socially disadvantages women smoke most. In Germany, 50% of women aged 18-39 of low socioeconomic level smoke (compared to 26% in the general population). Smoking rates rise to 54% for single mothers and to almost 60% for long term unemployed women (Lampert 2010). Especially worrying is that an average of 13% of pregnant women smoke. This figure rises to 20% for pregnant women with low socio economic background (Schneider 2009). Tobacco related mortality rose between 1993- 2003 for women by 45% and decreased with men in the same time period by 14% (Neubauer 2006).

We would like to remind the European Commission that it has ratified and signed the Framework Convention on Tobacco Control. Therein the need for a particular attention to gender specific aspects in any comprehensive tobacco control policy is laid down.

### **Smokeless tobacco products**

The prohibition on the marketing of tobacco for oral use ("snus") is a priority and should remain banned in the European Union. As other tobacco products they contain toxic and cancerogenic substances. They increase the risk of cardio vascular disease and oral cancer. Furthermore, tobacco for oral use is highly addictive. Data from Sweden, Norway and Finland have shown that smokeless tobacco products are particularly attractive to young people and that it can serve as an initiator to later tobacco smoking. It should therefore not be considered as an effective cessation aid, but as all other tobacco products who kill when used as intended.

### **Consumer information**

We support the introduction of **mandatory pictorial health warnings** on all tobacco products (including oral and water pipe tobacco) covering 80% of the front and the back of the packs towards the top, in **combination with standardized packaging**. We see standardised packaging as the prohibition of the use of logos, colours, brand images or promotional information on the packaging of tobacco products. It allows the use of brand names and product names, which have to be displayed in a standard colour and font style. Tobacco companies should only be allowed to have one standardized presentation (as already exist in Uruguay) and package size per cigarette brand.

A revision of the directive as proposed, would particularly benefit women and girls. Women and girls are a priority target group of the tobacco industry. Sophisticated marketing techniques especially designed for women and girls link symbols of beauty, attractiveness and freedom to tobacco products. Tobacco companies circumvent bans of tobacco advertising by using cigarette packs as advertising space to confer their messages. Cigarette names (Vogue, Slimline, Eve, Glamour, Balance, Diana etc.), packaging (colours such as white, light blue, pink conferring the impression of elegance and suggesting diet products), package size (tall pack suggesting slimness/elegance ) are designed to turn the cigarette packet into an indispensable, fashion accessory for women and girls.

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Women are very health conscious. Research of tobacco documents in Guilford Depository has shown that “light” cigarettes were especially developed and designed to preserve the female market in the light of increased consciousness of tobacco related harm. Although denominations such as “light” and “mild” suggesting that products might be less hazardous, have been banned through the current directive, colour schemes on cigarette packs in combination with varying indications of tar, nicotine or carbon monoxide yields, still confer this impression. Women remain conscious of this difference and choose “Light” cigarettes. They are still the preferred brand of women and girls. Therefore, there should be no tar, nicotine or carbon monoxide yields indicated on tobacco packages. In this context it is also important that a Quit line telephone number ( not related to the tobacco industry or its allies) can be seen visibly on all tobacco products.

### **Reporting and registration of ingredients**

We would endorse Option 2: Establish a common compulsory reporting format Tobacco industry would be obliged to use one harmonized reporting format, ideally combined with the electronic submission of data. Non compliance should be fined severely.

### **Regulation of ingredients;**

We would endorse the establishment of a positive list of ingredients, flavourings and additives which are allowed in tobacco products. These ingredients, flavourings and additives may not be cancerogenic or suspected to cause cancer, in both burnt and unburnt form. They must not have the power to increase addictiveness of tobacco products or make smoking more palatable. This is particularly important for young people and girls. Ingredients, flavourings and additives should be regularly tested to show that they correspond to the conditions listed above. If that is not the case the substance should not be allowed to be registered on the list or be removed from it.

As an example we would like to cite menthol, which increases the addictiveness and the health damage caused by tobacco smoking. We would like to emphasise that numerous flavoured products are coming on the market which appeal especially to the young. We need to avoid the development of a “candy cigarette” culture ! Furthermore, flavourings mask the smell of tobacco smoke. This makes it even more difficult to protect especially children from the harmful effects of passive smoking, as the smell of flavoured tobacco products does not immediately alert one’s attention.

In this context we do insist on the effective implementation of Guidelines on Art 9 and 10 with regard to the regulation of the contents of tobacco products and of tobacco product disclosures. We do need a comprehensive regulatory system in Europe to reduce the attractiveness of tobacco products, their addictiveness, and their overall toxicity.

### **Access to tobacco products**

Considering that the use of electronic media is the most important source of information and communication of young people, we request a ban of cross-border sales of tobacco products through internet by postal or any other mail delivery or through direct marketing systems.

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We request a ban of vending machines and of tobacco displays by the most appropriate legal instrument, taken into consideration the EU legal competence in this field. A ban of vending machines is a particularly high priority for Germany as more than 400.000 vending machines are available in urban and rural communities. Although a checkcard system is in place, this is easy to circumvent by young people who are under age.

Tobacco products should only be sold “under the counter” and only in especially licensed outlets. In Germany cigarettes can be bought everywhere ( filling stations, supermarkets, kiosks, building supplies stores, etc). It has been shown that cigarette displays generally are displayed together with sweets at the cash desks of stores. The prominent display promotes sales through easy access, quick information on product characteristics and price. The constant confrontation with cigarettes increases the urge to buy to satisfy one’s addiction.

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