



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Tobacco Free Campus Seminar



HSE Irish Health Promoting Health Services ³⁵

“National & International Developments” in Tobacco Control Legislation

by

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National & International Developments in Tobacco Control Legislation



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- National
 - Recent and Proposed Irish Tobacco Legislation
 - High Court Judgements
 - Priorities for HSE Environmental Health
Context of High Compliance Levels Generally
 - Smoking Shelters, Sales to minors.
 - Publication of Tobacco Cases on HSE Website
- International
 - Tobacco Products Directive
 - Electronic Cigarettes
 - FCTC
 - Australian HC Judgement on plain packaging



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Recent/Proposed Irish Tobacco Legislation



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- PUBLIC HEALTH (TOBACCO) (GENERAL AND COMBINED WARNINGS) REGULATIONS 2011 S.I. No. 656 of 2011

Graphic Health Warnings

- 1st Feb. 2013 must display graphic photographs with a strong health warningWash out period until 1st February 2014

- TOBACCO PRODUCTS (CONTROL OF ADVERTISING, SPONSORSHIP & SALES PROMOTION) (AMENDT.)REGULATIONS 2012 S.I. No. 525 of 2012

Further prohibit promotions

- ...where tobacco products are sold at a reduced price or provided free of charge
- Proposed ban on smoking in cars with minors
 - John Crown ~ private members Bill



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Point of Sale Legislation 2009 Very successful but.....Some Issues



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Price List ?



Advert for E Cigarette



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High Court Judgements



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- Smoking Shelters
 - Freshwall Case
 - Brookshore Judgement
 - St. Johnston Tavern

Prosecutions continue under S.47 for non compliance.

HSE are prioritising those premises where there is gross non-compliance and no effort to comply.



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High Court Judgements



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➤ Sales to Minors

- Murphy Judgement
- Development of new Guidelines to assist EHO's

Test purchasing will be carried out in all the HSE Regions in 2013

➤ Sales Promotions

Health Service Executive Vs P. J. Carroll & Company Limited

- Mystery Shopper
- Will require an amendment to the legislation

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Table of Sales to Minors Prosecutions by HSE Area / Year

Q1 2013 ~ 11 prosecutions under S.45

	HSE DML	HSE DNE	HSE South	HSE West	Totals
2004	5	8	8	21	42
2005	0	5	4	1	10
2006	0	1	6	0	7
2007	2	3	2	13	20
2008	5	1	0	17	23
2009	2	0	2	4	8
2010	4	2	2	4	12
2011	0	1	0	0	1
2012	2	0	0	2	4
	20	21	24	62	127

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International Developments Revised Tobacco Products Directive

Proposal to deal with:

- Ingredients and emissions
- Labelling and packaging
- Traceability and security features
- Tobacco for oral use
- Cross border distance sales of tobacco
- Novel tobacco products
- Nicotine containing products

The EU Tobacco Products Directive is **currently the subject of discussions and negotiations by all Member States of the EU**





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Framework Convention on Tobacco Control



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- Entered into force in 2005
- 170 countries are Parties to the Convention
- Parties are obliged over time to take steps
- Russia and Georgia have recently introduced significant Tobacco Control legislation

- Protocol on illicit trade
 - provides for tracking and tracing

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Electronic Cigarettes ~ Electronic Nicotine Delivery Systems

- Significant growth in availability/presence
- Problematic for control authorities
- Not classified as a tobacco product
- If marketed as a smoking cessation aid
or
- If product makes a smoking cessation claim
~ require marketing authorisation from IMB
- Question ~ Cessation aid ? Lack of research

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EU Tobacco Products Directive



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- EU Tobacco Products Directive stipulates that nicotine containing products, ...E cigs. that have a nicotine level > 2 mg per unit or nicotine concentration > 4 mg/ml only if authorised.
- Below this level ...can be sold consumer products provided that they feature an adapted health warning.
- EU Tobacco Products Directive is **currently the subject of discussions and negotiations by all Member States of the EU.**



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Landmark Judgement

Australian High Court ~ Plain Packaging



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Tobacco products sold in identical olive-brown packets bearing the same typeface and largely covered with graphic health warnings



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Domino effect



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- Judgement fully in line with the WHO FCTC
- UK and New Zealand
- Expected to be the first of many



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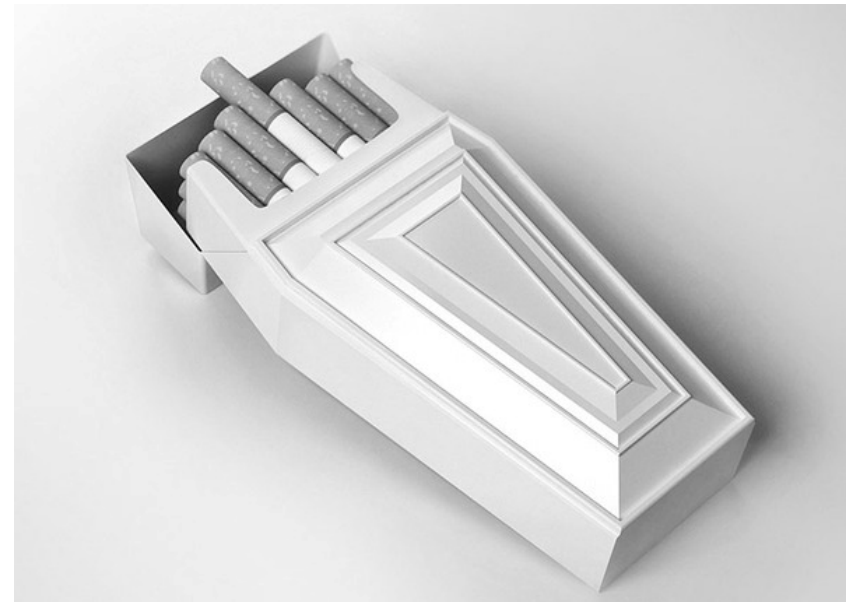
Plain Packaging ~ Some suggestions !



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Big Tobacco ~ a strong association
with a certain type of “plain packaging”



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