

WARNING LABELS

Countering Industry Arguments

TOBACCO COMPANIES OPPOSE PICTORIAL WARNINGS because they see them as a threat to their business. Below are a series of arguments against pictorial warning labels tobacco companies use around the world, followed by responses that refute each argument.

INDUSTRY ARGUMENT: There is no evidence that pictorial warning labels work.

RESPONSE: Research shows that large, graphic warning labels cause smokers to smoke fewer cigarettes, avoid smoking in front of children and pregnant women, and smoke less at home.² Warning labels also increase knowledge about risks associated with smoking and can persuade smokers to quit.^{3, 4} The most effective warning labels are large, clear, cover at least 50% of the package's principal areas (front and back of the product package) and have colorful pictures. Messages should include the magnitude of specific risks and should include pictures, especially to cater to audiences with low literacy.^{5, 6} Health warning labels that do not meet size, message, or graphic image requirements will not be as effective. Emphasis on quit-lines along with other effective messages about cessation, adverse economic and social outcomes, and negative impact of tobacco use on loved ones on graphic warnings are effective ways to inform the public about adverse effects and motivate quit behavior. Graphic warnings should also include quitline information.⁷ ■

INDUSTRY ARGUMENT: Smokers already know the risks of smoking.

RESPONSE: Studies show that a large proportion of smokers have an inadequate knowledge of the health effects associated with smoking and underestimate the severity and magnitude of those risks.³ An understanding of both the risks and severity of smoking are important factors in motivating smokers to quit. Picture-based warnings can be effective in conveying the severity of those risks.⁸⁻¹² Smokers report that they receive more information about the risks of smoking from the tobacco product package than from any other source except television.^{13, 14} ■

INDUSTRY ARGUMENT: Many people can't read so warning labels won't work.

RESPONSE: Pictures must accompany text messages. Pictures can graphically illustrate the health harms of smoking and secondhand smoke and can be understood even without text.¹⁵⁻¹⁷ ■

INDUSTRY ARGUMENT: Large graphic health warnings violate tobacco manufacturers' right to property, including trademark protections.

RESPONSE: Although the tobacco industry makes this claim, governments in many countries have rejected it and have enacted strong laws requiring large, pictorial warnings. This has been done, in the vast majority of instances, without legal challenge from the tobacco industry. When legal challenges have been made, courts have ruled against the tobacco companies. For example, the European Union Court of Justice ruled against the British American Tobacco (BAT) and Japan Tobacco International (JTI) argument that the Directive's¹⁸ decision to require large warnings and ban misleading information violated the right to property, including trademark protections.¹⁹ The Canadian Supreme Court rejected a tobacco industry claim that pictorial warnings violated its freedom of expression under the Canadian Charter of Rights and Freedoms.^{13, 20} ■

“Tobacco manufacturers respect the right of health officials to offer opinions on matters relating to public health. Under the circumstances, tobacco companies feel that warning labels are redundant and unnecessary.”¹

—The Tobacco Institute, 1980



Warning label, Egypt



Warning label, Brazil

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INDUSTRY ARGUMENT: Restrictions on freedom of expression and property rights should only be allowed when there is an urgent social need.

RESPONSE: The global tobacco epidemic is an urgent public health problem. It is estimated that by 2030, there will be more than 8 million deaths every year and 80% of those tobacco deaths will be in developing countries.²¹ Large graphic warning labels can motivate smokers to quit and discourage nonsmokers and youth from starting.^{13, 22, 23} ■

INDUSTRY ARGUMENT: Graphic health warnings may be in violation of a country's obligation as a signatory to international treaties on trade and intellectual property.

RESPONSE: Parties to the FCTC are guided by the principle that every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke.²⁴ In furtherance of this principle, FCTC Article 11 requires Parties to adopt and implement large, clear, visible and legible health warnings that may include pictures within three years after the treaty's entry into force in their countries.²⁵ ■

INDUSTRY ARGUMENT: Health warnings reduce the value of private property by eliminating "goodwill" associated with the package.

RESPONSE: The value of a tobacco manufacturers' branded product does not outweigh the government's interest and authority to protect its citizens from misleading and deceptive packaging that directly or indirectly implies that one tobacco brand is less harmful than another. ■

INDUSTRY ARGUMENT: Large warnings deprive consumers of the information they need to distinguish one company's products from another's.

RESPONSE: Tobacco product packages are sophisticated advertising and promotional tools designed to communicate with targeted consumers including adolescents.²⁶ ■

INDUSTRY ARGUMENT: Printing graphic warning labels and rotating messages is too expensive and difficult to maintain.

RESPONSE: The technology required to print color warnings is widespread.⁴ Tobacco companies change their packaging all the time to promote new products and flavors. It is no more difficult or expensive to add new warning labels.²¹ ■

INDUSTRY ARGUMENT: Tobacco companies need more time to implement pictorial warnings than the time allowed by law.

RESPONSE: Tobacco companies have demonstrated that they are able to implement full-color pictorial warning label requirements in six to nine months. In Canada, the industry complied six months after the regulations were finalized. The law required that about 50% of tobacco packages had to have the new warnings in place within 6 months from enactment. Any remaining packaging had to comply within 1 year.²⁷ Canada's experience in countering the industry's arguments against implementation of pictorial warnings is described in detail in its regulatory impact analysis statement.²⁸ In Brazil, compliance was achieved in 9 months, despite industry claims about its lack of technical capacity to produce full color warnings in the time required.²⁹ According to the FCTC, implementation of pictorial warning labels should take no more than 12 months from any government's regulation date.³⁰ ■

INDUSTRY ARGUMENT: When people buy single cigarettes, they won't even see packages.

RESPONSE: Warning labels should be adapted for all types of tobacco packaging not just the cigarette pack.⁴ If the health messages are large and clear enough, people will see them when they are displayed for sale, when they are taken out of smokers' pockets



Warning label, Singapore



Warning label, Brazil



Warning label, Canada

WARNING LABELS: Countering industry arguments

and purses, and when they are discarded. Warning labels are one of the cheapest and widest-reaching forms of public education available, whether people are buying single cigarettes or packs.³¹⁻³³ ■

INDUSTRY ARGUMENT: Graphic warnings ‘demonize’ smokers.

RESPONSE: Graphic warnings do not ‘demonize’ smokers. Studies show that large pictorial warnings are supported by a majority of non-smokers and smokers alike.^{16, 34} Graphic warnings provide smokers with helpful information on health effects, and support for large graphic warnings actually increases over time.⁴ Smokers living in countries that already have large picture warnings, such as Canada, report wanting to see more health information on their packages.³⁵ ■



Warning label, Pakistan

INDUSTRY ARGUMENT: If the government wants to put out health warning messages, it should use billboards or TV commercials.

RESPONSE: Tobacco packaging has universal reach, and the cost of package warnings is paid for by tobacco companies, not government. Further, the combination of a mass media campaign and enhanced package warnings is more effective than a mass media campaign on its own.²¹ ■

INDUSTRY ARGUMENT: Health warnings should inform the public, rather than frighten or stigmatize smokers.

RESPONSE: Effective warning labels increase knowledge about risks associated with smoking and can influence future decisions about smoking.^{3, 4} Warning labels are most effective at communicating the health risks of tobacco use when they contain both pictures and words, are large, and use color.^{13, 15} Large pictorial warnings are supported by a majority of non-smokers and smokers alike, graphic warnings provide smokers with important information about health effects, and support for large graphic warnings actually increases over time.³⁴⁻³⁶ ■

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