

**Summary of research findings in
relation to Agreement; tobacco
control stakeholders'
recommendations;
and recommendations
based on research findings**

CONCLUSION AND RECOMMENDATIONS

5.1 Findings in relation to preamble of Voluntary Agreement

"A. It is important that consumers have information concerning the ingredients of tobacco products."

The research indicates that there is widespread and strong support among tobacco control stakeholders and members of public for the idea that it is important for consumers to have access to information concerning the ingredients of tobacco products. Research participants saw access to that information, and to emissions information, as a consumer right.

Group discussions with smokers and non-smokers and depth interviews with recent quitters indicated, however, that most members of the public have not and do not intend to access the disclosed information. Participants either had no particular interest in understanding cigarette ingredients or emissions; or did not see the information as an important resource for aiding smoking cessation or avoidance; or had no desire to seek out information that might be at odds with their decision to smoke.

Most smokers, non-smokers and tobacco control stakeholders thought that, while the disclosed information might help reinforce a decision not to smoke, other factors were far more influential on behaviour. While the research did not test for any behavioural changes made after smokers and non-smokers viewed the disclosed information, examples of the disclosed information did not perceivably increase their sense of the harmfulness of smoking, and some smokers were reassured by the perceived "naturalness" of some ingredients. This suggests

that providing members of the public with the currently-disclosed tobacco product information is not an effective anti-smoking strategy.

Tobacco control stakeholders generally did not believe that an important public health benefit could be derived from providing the currently available information to consumers. A minority had used the information to inform policy development and communications with smokers, or for understanding how smokers achieve nicotine doses, but generally they saw the data's current form as limiting its usefulness for these purposes. Tobacco control stakeholders primarily saw disclosure under the Voluntary Agreement as important only insofar as it was a first step towards better disclosure in the future, and eventual tobacco product regulation.

Many tobacco control stakeholders, smokers, and non-smokers, perceived the ingredients lists to be inaccurate and/or incomplete. In the case of the smokers and non-smokers, this perception related to their belief that all information about tobacco was biased to some extent—either to misrepresent smoking as safe, or to encourage people to stop smoking. Some suspected the by-brand variant ingredient lists were incomplete because they seemed too short and innocuous. Tobacco control stakeholders tended to doubt the accuracy and completeness of the disclosed ingredients lists for a range of reasons: either because the lists did not include ingredients that the tobacco control stakeholders believed, from other sources, to be used in Australian cigarette manufacturing; because the “processing aids” were not specified; or on the basis of a general distrust of tobacco companies.

Members of the public saw the emissions information as more “scientific” than the ingredients information and less open to manipulation or deception, not least because it listed so many seemingly-harmful compounds. Tobacco control stakeholders were more sceptical about the emissions information, either because of their distrust of the tobacco companies, as mentioned above, or more commonly, due to concerns about the validity of the testing method in the light of the variations between different smokers’ puff intensity, frequency and volume.

Some tobacco control stakeholders noted that part A of the preamble has only partially been met because there has been no disclosure of the ingredients of non-cigarette tobacco products or from brands and companies that fall outside the current Agreement. These tobacco control stakeholders saw disclosure for such products as no less important than for those products covered by the Agreement.

“B. Information on ingredients should be made available in a way that effectively informs the public.”

The evidence from the discussions with smokers and non smokers, and the interviews with recent quitters, suggests that part B of the preamble is not being met by the current disclosure. Participants were not “effectively informed” in that they had difficulty comprehending the

information when it was presented to them. Most were ultimately left confused about what was in cigarettes and whether the information that they had seen was comprehensive and accurate.

Participants were generally able to comprehend that the by-brand variant list showed the ingredients in a cigarette, that the composite list showed all the ingredients that might appear in a cigarette, and that the cigarette paper ingredients list showed the contents of the cigarette paper. They mostly had a sense that the emissions data showed what was inhaled when a cigarette was smoked. However, they were confused about many other details: whether some ingredients were more or less harmful than others; why contents they knew to be in cigarettes, like nicotine, were not listed as ingredients; how the by-brand variant list related to the composite list of tobacco ingredients; the unfamiliar chemicals; the effects of combusting familiar ingredients; the units in which quantities were stated and whether those concentrations were dangerous; the functions listed in the composite list of tobacco ingredients and why that list was so long; the technical and statistical details of the emissions data, including the difference between "sidestream" and "mainstream"; the small print and qualifications; the lack of explanation of harms; and the sheer volume of information in the various lists.

The research with smokers and non-smokers also indicated that few members of the public were aware of, or had accessed, the information, and in this sense as well the public has not been "effectively informed".

Overwhelmingly, the information that smokers and non-smokers wanted—and which was not provided—was a description of the health effects and function of each ingredient, and of each chemical in the emissions lists.

Other than on the basis of the consumer's right to know, most tobacco control stakeholders saw no good reason to "effectively inform" the public about the ingredients in tobacco products, citing a lack of evidence that such information would discourage smoking.

"C. Information on ingredients should be made available in a way that protects the confidentiality of tobacco manufacturers' trade secrets, and which does not impose unreasonable burdens on tobacco manufacturers with respect to the time, cost and effort required to compile and disclose the information."

With regard to the first clause of part C of the preamble, a number of tobacco control stakeholders argued that the tobacco manufacturers' right to commercial confidentiality should be regarded as invalid on the basis that their products are known to cause the deaths of a large

proportion of their consumers when used as directed.²⁰ With regard to the second clause, international tobacco control stakeholders with experience in the area observed that requiring tobacco companies to compile and disclose large volumes of information would not place an unreasonable burden on those companies because they usually had such information already at hand.

5.2 Findings in relation to objective of Voluntary Agreement

"The object of this Agreement is to promote and protect the health of Australians by facilitating the provision of accurate information to the public about the ingredients of cigarettes."

The evidence from the research undertaken with smokers, non-smokers and tobacco control stakeholders indicates that this objective is not being met, and nor is it being seen to be met, by disclosure under the current Agreement.

The objective is not being seen to be met in that most smokers, non-smokers and tobacco control stakeholders were unsure or sceptical about the accuracy of the disclosed information.

Irrespective of its accuracy, smokers, non-smokers and tobacco control stakeholders had difficulty comprehending the disclosed information. The objective of the Voluntary Agreement states that information about the ingredients of cigarettes should be "accurate" but it does not state that the information should be "comprehensible" by members of the public. If, however, such comprehension is a necessary basis for disclosure to promote and protect the health of Australians, then the information that is currently provided, and the format in which it is provided, do not support the objective of the Voluntary Agreement.

In group discussions with smokers and non-smokers, and depth interviews with recent quitters, the disclosed information did not lead participants to perceive smoking as being more dangerous than they had previously thought. Smokers and non-smokers believed that the information should be provided but were disinclined to access it, and generally saw it as being of limited use as a resource for assisting smoking cessation or for avoiding taking up smoking.

²⁰ Note that at least two of the Australian cigarette manufacturers already disclose, through their company websites, information in excess of that required under the Voluntary Agreement. ITA discloses the processing aid used in each product (<http://www.imperial-tobacco.com/index.asp?page=136>, accessed 12/12/2008). PML discloses the weight of each cigarette ingredient, and its proportion of the total cigarette weight (<http://www.pmintl-technical-product-information.com/asp/country.aspx?CountryName=AU>, accessed 12/12/2008).

Most tobacco control stakeholders believed that the cigarette ingredient information currently made available to the public made little direct contribution to promoting and protecting the health of Australians. While tobacco control stakeholders expressed concerns about the accuracy and comprehensibility of the information, none were of the view that providing the public with accurate and comprehensible information would inevitably make a direct and substantial contribution to promoting and protecting the health of Australians. Many tobacco control stakeholders argued that more research was required to understand how best to derive a public health benefit from tobacco product disclosure.

It was the view of the majority of smokers, non-smokers and tobacco control stakeholders that the public disclosure of cigarette ingredients and emissions data should be governed by legislation and be enforced by the Australian Government, rather than being organised under a voluntary agreement. This was seen as an important step to ensure the accuracy, comprehensiveness and comprehensibility of the data, and to create the framework for disclosure of product and manufacturing information beyond that disclosed under the current Agreement.

While tobacco control stakeholders mostly thought that disclosure of cigarette ingredients and emissions information was important, they were even more likely to see it as important that the disclosure be improved from its current form. While the Voluntary Agreement has the stated objective of promoting and protecting the health of Australians, most tobacco control stakeholders saw it as impossible for this objective to be met under the current disclosure regime. Most saw it as important to establish a new disclosure regime that could meet the objective of producing a public health benefit.

Tobacco control stakeholders saw it as important for the Australian Government to pursue fuller disclosure for a number of reasons: to ensure that there are no omissions from the disclosed data; to ensure that tobacco companies do not derive public relations benefits from being seen to disclose data voluntarily; to compile an accurate historical record of ingredients used in tobacco products; and to inform the future regulation of tobacco ingredients.

5.3 Tobacco control stakeholders' recommendations for future disclosure

- Comprehensive disclosure should be legislated and enforced.
 - Disclosed information should include, at minimum, ingredients, emissions and product design/engineering features for all tobacco products, but would ideally include all other product and manufacturing information currently held by tobacco companies.

- Legislation should include scope to demand further disclosure when a need is identified in the future, and to expand or limit both the extent and form of disclosure.
- Future disclosure should be initially directed towards ensuring that the Government has all possible information about the ingredients, engineering, manufacturing processes and emissions of tobacco products. Only once the Government has received and reviewed that information should it determine what should be subsequently be disclosed, and to whom it should be disclosed.
- A dedicated committee or expert body should be assigned the task of managing disclosure and recommending any changes to the disclosure regime.
- Testing procedures should be either independent, or at least accredited.
- While respecting consumers' right to know the best available information, appropriate research should be undertaken before determining the final format and extent of disclosure to the public.

5.4 Researchers' recommendations

The following recommendations are made on the basis of the research findings.

- The research undertaken indicates that it is not yet clear how disclosure will assist in promoting and protecting the health of Australians. The Government should conduct further research to determine whether and, if so, how disclosure could produce a public health benefit, and what form future disclosure should therefore take.
 - This research will be facilitated by disclosure of all tobacco product information held by the manufacturers of tobacco products sold in Australia. The Government should therefore seek disclosure of all information about, but not necessarily limited to, the ingredients of tobacco products; cigarette engineering specifications; tobacco growing and processing techniques; tobacco product manufacturing processes; tobacco product emissions data; and the interactions between product specifications, product emissions and smoker behaviour.
 - Current disclosure arrangements should be maintained while this research is undertaken.

- Moves towards new disclosure arrangements in the future should consider that there are three types of disclosure.
 - Disclosure by tobacco companies to the Australian Government. Extensive disclosure of this kind will facilitate research into the effects of publicly distributing tobacco product information, and into the best way to derive public health benefit through disclosure. It will also assist in the possible regulation of tobacco products, and in research to inform that regulation.
 - Disclosure to tobacco control bodies and to researchers, of the information provided by tobacco companies. In consultation with tobacco control bodies and researchers, the Australian Government should seek to determine what kind of tobacco product information is most useful for work to promote and protect the health of Australians.
 - Disclosure by tobacco companies, either via the Australian Government or in a form prescribed the Australian Government, to the public. It should be noted that in disclosing tobacco product information to the public, there are two objectives to be considered:
 - to satisfy consumers' widely perceived right to know the contents of the product that they are consuming (which in the case of tobacco products would include emissions); and
 - to derive a public health benefit through making the information available to the public. It should be noted that it is at present unclear whether and how disclosure of some or all tobacco product information to the public can meet this objective, and research into this matter is recommended.

It should be noted that these two objectives for disclosure to the public are not necessarily compatible. It is possible that information disclosed to satisfy consumers' rights will have a negative public health value in that it may lead those who read it to conclude that smoking is less dangerous than they had previously thought. Deriving the greatest public health benefit from future disclosure arrangements may, therefore, require not promoting the disclosed information to the public until the behavioural effects of this information are researched and understood.