BEWARE!
Global Regulatory Trends Undermining the Future of Brands
Big Tobacco, Big Food, Big Soda, Big Alcohol: It’s not just us saying so!
Big Tobacco, Big Food, Big Soda, Big Alcohol: It’s not just us saying so!
“[...] the most prominent NCDs are linked to common risk factors, namely, 
**TOBACCO USE, ALCOHOL ABUSE, UNHEALTHY DIET, PHYSICAL INACTIVITY [...]”**
Reference: Resolution of the Fifty-third World Health Assembly: Prevention and Control of NCDs (May 2000)

“[...] these diseases are largely preventable by means of effective interventions that tackle shared risk factors, namely: **TOBACCO USE, UNHEALTHY DIET, PHYSICAL INACTIVITY** and **HARMFUL USE OF ALCOHOL [...]”**

“[...] major non-communicable diseases share four behavioural risk factors: **TOBACCO USE, UNHEALTHY DIET, PHYSICAL INACTIVITY and HARMFUL USE OF ALCOHOL [...]”**
Big Tobacco, Big Food, Big Soda, Big Alcohol: It’s not just us saying so!

The existence of a global health treaty (WHO FCTC) as well as effective national and sub-national legislation **MAKE TOBACCO CONTROL A MODEL** for addressing other pressing NCD-related issues that require better regulations, **INCLUDING HARMFUL USE OF ALCOHOL AND UNHEALTHY DIET**


Packaging regulations, a method employed to control tobacco use, **CAN ALSO SERVE TO DETER PEOPLE FROM CONSUMING OTHER UNHEALTHY PRODUCTS**


This fifth edition of the *Tobacco Atlas* provides **A GOOD EXAMPLE OF THE INTERRELATEDNESS OF HEALTH ISSUES**, and how we need to work together, across diseases and conditions, to improve public health

Reference: Margaret Chan, 5th Edition of the Global Tobacco Atlas, p. 4
With regards to health warnings, expert opinion **INFORMED BY THE EXPERIENCE OF TOBACCO**, suggests alcohol warning labels should be designed and implemented as follows: develop research to identify 'direct' and 'evidence-based' health warnings; increase the visibility of the warnings; **INCORPORATE PICTORIAL HEALTH WARNINGS; CONSIDER PLAIN PACKAGING FOR ALCOHOL PRODUCTS**


**Furthermore, the valuable lessons learnt in the fight against tobacco can be taken on board in countering THE RAMPANT MARKETING OF ALCOHOL AND FAST FOOD**


Calls on the World Health Organization to adopt and implement a binding international treaty, **A FRAMEWORK CONVENTION ON ALCOHOL CONTROL, MODELED AFTER THE FRAMEWORK CONVENTION ON TOBACCO CONTROL**


…the **NEGOTIATION OF A PUBLIC HEALTH-ORIENTED GLOBAL AGREEMENT TO ADDRESS ALCOHOL-RELATED HARM**, independent of commercial interests in alcohol, that could be binding on its signatories

Reference: Global Alcohol Policy Conference Declaration, 2015
Big Tobacco, Big Food, Big Soda, Big Alcohol: It’s not just us saying so!

Doctors Warn Sugar Health Risk as Bad as Tobacco And Alcohol

Tesco bans sweets from checkouts in all stores

Hotseat: soft drink plain packaging?

Wine and beer should have cigarette-style health warnings and calorie content on labels: MPs

Ontario does launch assault on obesity, urging tobacco-like warnings on bad food
The Slippery Slope refers to the trend of applying restrictions first to tobacco, and then to other consumer products, such as ALCOHOL, SOFT DRINKS AND FOOD.

Excessive regulation comprised of measures such as TAXATION, HEALTH WARNINGS, BANS ON ADVERTISING AND PROMOTION, and PRODUCT RESTRICTIONS that used to be specific to the tobacco industry is SPREADING and becoming a COMMON threat to other industries.

At the extreme end of the slippery slope is PLAIN PACKAGING which will have major ramifications for other consumer goods industries, because it creates a DANGEROUS LEGISLATIVE PRECEDENT for depriving other industries of their intellectual property and creates A BLUEPRINT THAT CAN BE APPLIED TO OTHER SECTORS in the future.
The Slippery Slope
The Slippery Slope: Pricing and Tax measures

Excise Department Plan Alcohol Tax
Increase of up to 150%

The Excise Department has announced that they will be charging more tax on alcohol, with an increase up to 150% that will come into effect over the next 100 days.

The Revenue Department, Excise Department and the Customs Department have been looking to increase the revenue and performance of various goods in 2017. The target is for the sale of alcohol to be increased by 8% and the new tax rate for alcohol was 4% in 2017, which was increased to 6% by the end of the year.

The Customs and Excise departments are also implementing a new system for permits and non-alcoholic beverages and will be increasing the tax on these items. They also plan to work with the Revenue Department to reduce the tax burden on these goods.

So far, details about the new system have been released:

- Any alcohol under 41.6%: 0.80 baht
- 5% from 42.5% to 100 baht
- 8.5% from 80 to 150 baht

The debate around alcohol taxes has hit the front page this year, with the controversial topic grabbing headlines around the globe.

The UK, for example, has pioneered its own strategy for alcohol, with a series of US cities including San Francisco and Philadelphia having made similar moves. South Africa has also published similar proposals. This year, debate has been reignited in Australia and New Zealand, discussing the need to continue into 2017.

But why have alcohol taxes hit the headlines in 2016? And what are the key countries and cities considering such policies? We take a look at some of the countries where alcohol taxes have been introduced:

- U.S. states have introduced a 4% tax this year.
- Many countries are considering similar policies.

For more: protein, culture, business, money, life style

Mexico enacts soda tax in effort to combat world's highest obesity rate

Health officials in the United States look to Mexico's new law as an experiment in curbing sugar consumption.

Denmark's food taxes

A fat chance

The Danish government rescinds its unwieldy fat tax

FARMERS, retailers and shoppers whooped with joy this week when the government announced the abolition of one of its most hated taxes: a tariff on saturated fats, imposed just over a year ago. The tax was undoubtedly well intentioned. Higher prices for unhealthy foods would reduce consumption and improve public health; obesity levels and cardiovascular disease would fall on health-care budgets would be eased.

Yet in practice, the world's first fat tax proved to be a cumbersome chore with undesirable side effects. The tax's advocates wanted to hit things like potato crisps and hot dogs, but it was applied also to high-end fare like specialty cheeses. One gourmet cheesemaker cut his range of products when his creamy Danish blue saw a price increase of 25%.
Tough new rules for junk food ads

New rules governing the advertising of fatty and sugary foods to children will come into effect next July, the Broadcasting Authority of Ireland (BAI) has said.

The rules, which will apply to television and radio ads, will target food and drink which are considered high in fat, salt and sugar (HFSS). These will include crisps, most breakfast cereals, most pizzas, biscuits, French fries, mayonnaise, butter and carbonated sweetened drinks.

Ads containing these products will not be permitted during children's programmes. While ads for these products that are shown outside of children's programmes, but are directed at children, will have to follow specific rules relating to their content.

These rules include a ban on the use of celebrities or sports stars in these ads, a ban on the use of characters seen in programmes, such as Peppa Pig and a ban on promotional offers. These ads must also contain no health or nutritional claims.
The Slippery Slope: Point of Sales and Access measures

Bill seeking to restrict alcohol sales reaches Estonian government

Minister of Health and Labour Jevgeni Ossinovski (ML) has submitted an Estonian government a Bill which, in addition to previously planned restrictions on alcohol advertising, would ban alcohol advertisement social media, force supermarkets to separate alcohol from other goods, and substantially restrict a number of other things related to alcohol.

Although an earlier version of the Bill of amendments to the Alcohol Act and the Alcohol Advertising Law, which prohibits advertising of all alcohol goods in public places, was submitted to the Bill, the current version is expected to be more comprehensive.

High-calorie sports drinks and candy bars will be removed from school vending machines and cafeteria lines as soon as next year, replaced with diet drinks, granola bars and other healthier items.

The Agriculture Department said Thursday that for the first time it will make sure that all foods sold in the nation's 100,000 schools are healthier by expanding fat, calorie, sugar and sodium limits to almost everything sold.
The Slippery Slope: Packaging measures & Plain Packaging

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---
The Slippery Slope: Packaging measures & Plain Packaging
The failure of Australia's Plain Packaging legislation

Australia was the first country to introduce plain packaging in **DECEMBER 2012**. Since 2016, both England and France have introduced it and some other countries worldwide are also considering it.

Despite its alleged beneficial health-related impact, it emerges when applying expert analysis of the data made available by the Australian government that **THERE IS NO RELIABLE EVIDENCE THAT PLAIN PACKAGING HAS ACHIEVED ANY OF ITS PUBLIC HEALTH BENEFITS**

Rather, plain packaging has **SERIOUS ECONOMIC CONSEQUENCES**, some of which are today apparent in Australia. These include:

- Distorting market dynamics, specifically damaging within-price-segment competition and ultimately down-trading to the value end of the market
- Setting a negative precedent for the country on the protection of IP rights
- Raising doubts about its reliability from an investment perspective;
- Increasing the availability of illegal tobacco
- Reducing tax collected by governments from legal tobacco products

**IN SHORT, PLAIN PACKAGING HAS PROVEN TO BE A FAILURE IN AUSTRALIA**
The WTO Dispute against Australia's Plain Packaging legislation

WTO Dispute against Australian Plain Packaging legislation
- **COMPLAINANTS**: Honduras, Dominican Republic, Cuba, and Indonesia
- A **RECORD OF 36 WTO MEMBERS** have joined as third parties

The eventual outcome of the WTO Dispute **WILL SET A PRECEDENT** for all WTO Members on the legality of plain packaging for tobacco products and other consumer goods under WTO law.

If plain packaging of tobacco products is found acceptable, a WTO dispute regarding plain packaging of alcoholic beverages, sugary drinks or foodstuffs, **WOULD LEAD TO A SIMILAR RESULT**.

Regulators around the world seeking to introduce plain packaging for other products are therefore likely to rely on the WTO tobacco ruling as a legal basis **FOR APPLYING SIMILAR REGULATIONS TO OTHER PRODUCTS**.
The negative consequences of plain packaging extend beyond tobacco products, creating a dangerous precedent that will have **FAR-REACHING NEGATIVE CONSEQUENCES FOR ALL TRADEMARK OWNERS**

Plain packaging is not an issue exclusive to the tobacco industry as it opens the door to extend this (potential) violation of IP rights **TO OTHER CONSUMER GOODS INDUSTRIES**

Plain packaging sets a negative precedent for the country with regard to the protection of intellectual property rights and **RAISES DOUBTS ABOUT ITS RELIABILITY FROM AN INVESTMENT PERSPECTIVE**
Multinational Companies, Chambers of Commerce, Intellectual Property Associations, Business Associations and Scholars around the world see extreme regulations affecting the tobacco industry - and in particular plain packaging - as potentially setting a worrisome precedent for other types of products and industries.

Plain Packaging: we are not the only ones concerned about it!
Key takeaways: a Slippery Slope?

Since 2000, the WHO has considered **TOBACCO USE, PHYSICAL INACTIVITY, AN UNHEALTHY DIET and the ABUSE OF ALCOHOL** alike as key determinants in the development of Non-Communicable Diseases.

Pressure to regulate these Industries has grown and **REGULATORY RESTRICTIONS** have been implemented in many jurisdictions around the world as a consequence.

Since 2003, the WHO has developed **DISTINCT STRATEGIES** to help WHO Member States tackle tobacco use, unhealthy diets and the abuse of alcohol.

**EXTREME REGULATORY MEASURES** are increasingly being proposed against the tobacco industry, chief among which is **PLAIN PACKAGING**.

We consider the introduction of plain packaging as the beginning of a **SLIPPERY SLOPE** towards the fundamental disruption of global consumer markets, affecting a number of Industries, **INCLUDING YOUR OWN**.
The negative consequences of Plain Packaging extend to all trademark owners.

Depriving one industry of the right to brand its products creates a dangerous precedent for all trademark owners.

If one industry is deprived of its intellectual property, **ALL TRADEMARK OWNERS WILL LOSE**.
The Right to Your Brand is Not Absolute!

Your Brand is not Untouchable; it is not Sacrosanct!

It Can Be TAKEN AWAY!
BEWARE!

Global Regulatory Trends Undermining the Future of Brands

It’s Time to Speak Up!