



FCA RECOMMENDATIONS: GUIDELINES ON ARTICLE 11 (PACKAGING AND LABELLING OF TOBACCO PRODUCTS)¹

Recommendation

The second session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control should decide to immediately commence the development of guidelines for the implementation of Article 11, with a view to adoption of guidelines at the third session of the Conference of the Parties.

Background

Article 11 of the WHO Framework Convention on Tobacco Control (FCTC), dealing with the packaging and labelling of tobacco products, contains obligations which are key to the achievement of the objective of the FCTC. Article 11 requires Parties to adopt measures including requirements for the display of a rotated series of health warnings and other appropriate messages on tobacco product packaging, and prevention of false, misleading or deceptive packaging and labelling.

Effective warnings on tobacco product packaging increase awareness of the health effects of tobacco use and exposure to tobacco smoke, and decrease consumption of tobacco products. Misleading and deceptive packaging and labelling undermine public health objectives. The effective implementation of Parties' obligations under Article 11 will thus be key to the achievement of the FCTC's overall objective of protecting present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke, as outlined in Article 3. The importance of Article 11 is underlined in the guiding principle contained in Article 4.1 that "[e]very person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption".

¹ This document outlines FCA's recommendations to the Conference of the Parties. Further information may be found in the FCA briefing paper prepared for COP-2, 'Guidelines on Article 11 (Packaging and Labelling of Tobacco Products)', available online at www.fctc.org.

The need for guidelines on Article 11 as a matter of priority

While Article 11 contains several specific requirements, it does not contain enough detail to fully guide Parties in the best practice preparation and implementation of measures with respect to package warnings and labelling. Guidelines will be essential to assist Parties in fulfilling their obligations under Article 11. This is recognized in Article 7, which requires the Conference of the Parties (COP) to propose such guidelines.

At its first session, the COP adopted criteria for prioritization of work with respect to the development of guidelines on Articles 9 to 13, 5.3 and 14.² According to these criteria the elaboration of guidelines for implementation of Article 11 should be a priority.³ Package warnings represent an effective, evidence-based, and highly cost-effective tobacco control measure. The tobacco industry continues to use deceptive packaging including misleading descriptors, undermining tobacco control measures. Many Parties have already requested technical assistance to enhance the effectiveness of their measures in this area. As Article 11 obligations must be implemented within a three-year timeframe, guidelines are now required as a matter of urgency.

What guidelines on Article 11 might include

Guidelines on Article 11 might provide detailed guidance on a number of matters relevant to Parties' implementation of their obligations, including:

- the placement and size of health warnings and other messages on tobacco product packaging;
- the design and selection of picture warnings on tobacco product packaging;
- the content and appearance of the text to be used in conjunction with pictures;
- issues relating to the rotation of messages, such as the number of warnings to be included in a series of messages, and how frequently they should be changed;
- the use of package inserts;
- the elimination of the display on packages of tar, nicotine, and carbon monoxide yield numbers based upon the International Organization for Standardization (ISO) machine method, and advice on alternative approaches regarding the display of information on toxic emissions;
- the banning of misleading descriptors (including, but not limited to, "light" and "mild"), and related issues such as dealing with industry responses to bans; and
- the drafting of laws so as to ensure that the government's policy intent will be implemented without loopholes or other weaknesses.

Civil society participation in the development of guidelines

The important role of civil society in the implementation and further development of the FCTC is recognized in the preamble to the Convention and in Article 4.7. Civil society should be invited to actively participate in the development of the guidelines, as has been the case for guideline development work so far undertaken by the COP.

² FCTC/COP1(15) Elaboration of guidelines for implementation of the Convention.

³ A detailed evaluation of potential Article 11 guidelines against the criteria adopted by the COP is annexed to the FCA briefing paper prepared for COP-2, 'Guidelines on Article 11 (Packaging and Labelling of Tobacco Products)', available online at www.fctc.org.