



MEDIA RELEASE

UNIVERSITY OF OTAGO, WELLINGTON | Tel 03 479 5452 | 03 479 5016 | 03 479 8263

Friday 13 April 2018

Threats from tobacco industry stalled New Zealand plain packs legislation

Threats of lawsuits by the tobacco industry helped delay the New Zealand legislation for plain tobacco packs by at least three years, new University of Otago research suggests.

The tobacco companies threatened to sue the NZ Government for compensation, with claims this would amount to billions of dollars.

Passing the plain packs legislation took more than four years from the first announcement by the New Zealand Government in April 2012, to its completion in September 2016 (53 months), the research found.

It then took a further 18 months for the law to come into force on 14 March, 2018.

The study, published in the *New Zealand Medical Journal* today, found the litigation threats were prominent in the Government's explanations for the delay.

The study's lead author, Dr Eric Crosbie of the University of California, San Francisco, who worked with Associate Professor George Thomson from the University of Otago, Wellington, says that documents and interviews for the research indicated a strong division within parliament.

"Members of Parliament from the National and New Zealand First Parties appeared to put the legal threats foremost in their arguments," Dr Crosbie says.

"In contrast, MPs from Labour, Greens and the Māori Party emphasised New Zealand's right to pass the law."

The 53 month timeframe for the completion of the New Zealand law was much longer than other countries which introduced plain-pack legislation. For example:

- 18 months for Australia
- 22 months for Ireland
- 35 months for the United Kingdom
- 20 months for France

As predicted by legal experts from 2011 or earlier, the tobacco industry has not won any of its lawsuits against plain pack laws.

The research found that New Zealand officials, from 2014 or before, were stating that the proposed legislation was in line with New Zealand's trade obligations.

The full study is:

Crosbie E. Thomson G. Regulatory Chills: Tobacco industry legal threats and the politics of tobacco standardized packaging in New Zealand. *New Zealand Medical Journal* April 13, 2018

For further information, please contact:

Associate Professor George Thomson
Department of Public Health
University of Otago, Wellington
Mob 027 528 1791
Email george.thomson@otago.ac.nz
www.otago.ac.nz/wellington

Or

Dr Eric Crosbie
UCSF School of Medicine
University of California San Francisco
Ph. (USA) 1-707-849-8623
Eric.Crosbie@ucsf.edu

For a list of Otago experts available for media comment, please go to:
www.otago.ac.nz/mediaexpertise