



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!



Resolution of the 53rd World Health Assembly: Prevention and Control of NCDs

2000



Global Strategy on Diet, Physical Activity and Health

2004



Global Strategy to Reduce the Harmful Use of Alcohol

2010



UN Sustainable Development Goals

2015

2003

Framework Convention on Tobacco Control



2008

2008-2013 Action Plan for the Prevention and Control of Non-communicable Diseases



2013

Global Action Plan for the Prevention and Control of Non-communicable Diseases (NCDs) 2013-2020



2017

NCDs Global Action Plan 2013-2020 Appendix 3 Amendment



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*** [...]”

Reference: 2008-2013 Action Plan for the Global Strategy for the Prevention and Control of NCDs (May 2008), p.1

“[...] major non-communicable diseases share four behavioural risk factors: ***TOBACCO USE, UNHEALTHY DIET, PHYSICAL INACTIVITY and HARMFUL USE OF ALCOHOL*** [...]”

Reference: Global Action Plan for the Prevention and Control of Non-communicable Diseases 2013-2020, p.7

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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**

Reference: 5th Edition of the Global Tobacco Atlas, pp. 80-81

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

Reference: 5th Edition of the Global Tobacco Atlas, pp. 80-81



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

Big Tobacco, Big Food, Big Soda, Big Alcohol: It's not just us saying so!



Public Health
England

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**

Reference: Public Health England, The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review, December 2016, p. 139

THE LANCET

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**

Reference: The Lancet (Editorial), 25 August, 2012



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**

Reference: American Public Health Association, Policy Statement 2006



...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!

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Doctors Warn Sugar Health Risk as Bad as Tobacco And Alcohol

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Russian MPs eye tobacco-like mandatory 'scare' packaging for fast food

'Put health warnings on sugary drinks': Experts say soft drinks should be treated like cigarettes

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19 May 2014 Last updated at 02:22

Food should be regulated like tobacco, say campaigners

By Pippa Stephens
Health reporter, BBC News



Hotseat: soft drink plain packaging?

Posted by: David Prior | 17 June, 2014 - 1:10 PM

The Hotseat: Should Australia introduce plain packaging for fizzy drinks and soft drinks? Dicko & Sarah discuss plain packaging working to stop people from smoking, would it do the same with children and soft drinks.

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

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Ontario does launch assault on obesity, urging tobacco-like warnings on bad food
NP HELEN BLANKWELL, CANADIAN PRESS | October 23, 2012 | Last Updated: Oct 23 3:52 PM ET
More from Canadian Press

The Slippery Slope

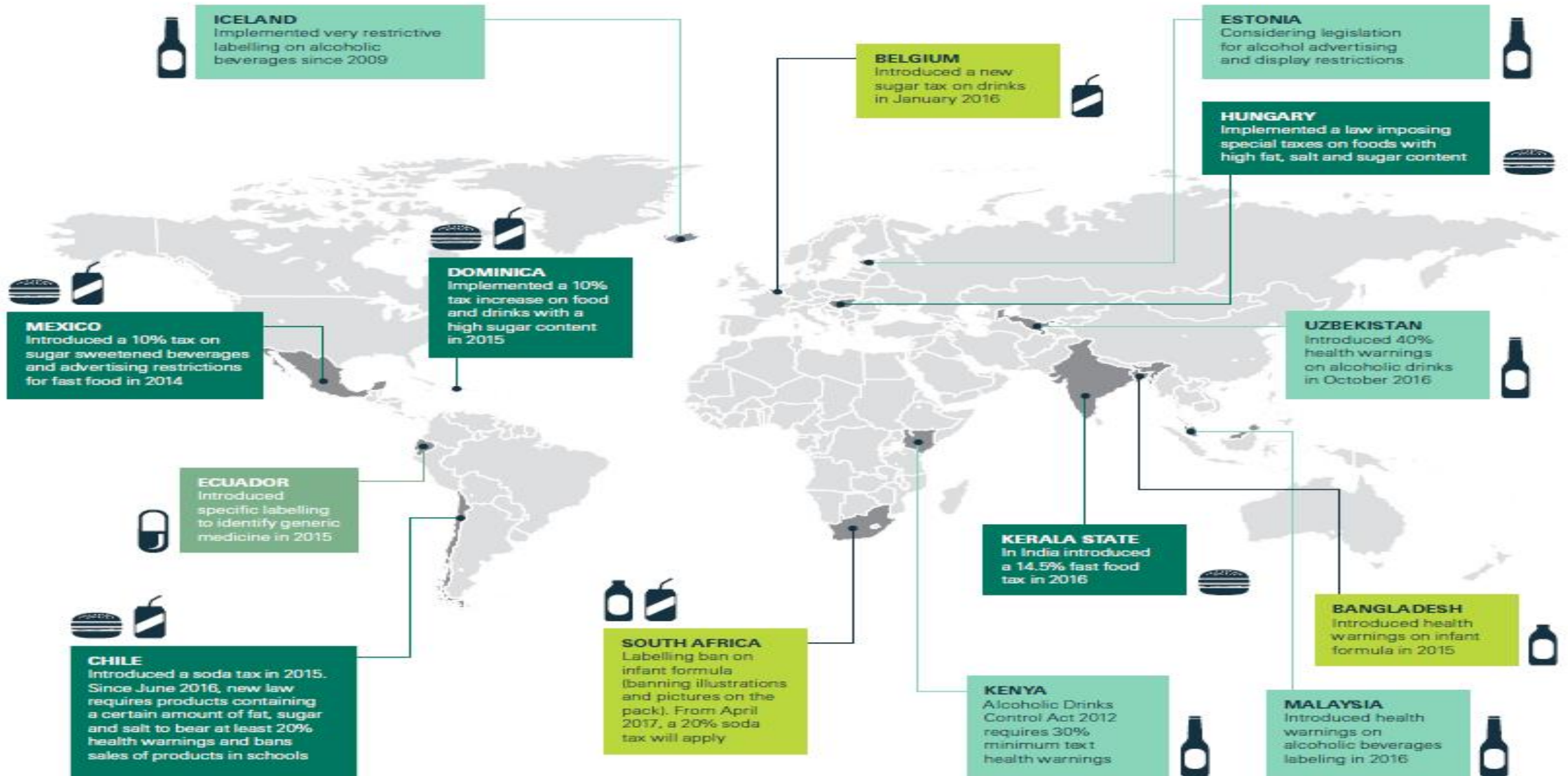
The Slippery Slope refers to the trend of applying restrictions first to tobacco, and then to other consumer products, such as **ALCOHOL, SOFT DRINKS AND FOOD**

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

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Excise Department Plan Alcohol Tax Increase of up to 150%

February 28, 2017

CityNews - The Excise Department has announced that they will be charging more tax increases up to 150% that will come into effect over the next 180 days.



The Revenue Department, Excise Department and the Customs Department has announced to increase the revenue and performance of taxable goods in 2017. The target tax revenue quarter of 2017 was down by 5.8 billion baht and the new tax hike for alcohol was supposed to increase tax revenue by the end of the year.

The customs and excise departments will be implementing a new tax system for petrol and non-alcoholic beverages and wine. They also plan to work with the Revenue Department on individual tax bases and corporation tax.

So far only details about alcoholic beverages has been released:

Beer

3.5% and under - From 41.60 baht a bottle (620ml) to 78.50 baht

5% - From 42.10 baht a bottle (620ml) to 108 baht

5.8% - From 40.70 baht a bottle (620ml) to 123 baht

6% - From 40.20 baht a bottle (620ml) to 132 baht

Beverage
daily.com

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2016: The year of the sugar tax

By Richard Whitehead, Elaine Watson, Will Chu, Niamh Michail, Louis Gore-Langton, Rachel Arthur, 15-Dec-2016 Post a comment

Last updated on 16-Dec-2016 at 15:30 GMT



Related tags: Soft drinks industry levy, Sugar tax, SSB, Tax on sugar sweetened beverages, UK, US, Asia, Europe

Debate around sugar taxes has hit the limelight this year, with the controversial topic grabbing headlines around the globe.

The UK, for example, has pledged it will introduce a soft drinks industry levy; a set of US cities including San Francisco and Philadelphia have made similar moves; and South Africa has published its proposals. In the meantime, debate has been re-ignited in Australia and New Zealand, discussions that look set to continue into 2017.

But why have sugar 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 sugar taxes have created a stir this year.

Win-win policies for governments

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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

The Economist

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Denmark's food taxes

A fat chance

The Danish government rescinds its unwieldy fat tax

Nov 17th 2012 | COPENHAGEN | From the print edition

Timekeeper Like 796 Tweet 87

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; strains 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 speciality cheeses. One gourmet cheesemaker cut his range of products when his creamy Danish blue saw a price increase of 25%.



The Slippery Slope: Advertising and Promotion measures

Lifestyle > Health & Families > Health News

Ban on junk food advertising aimed at children extended to online and social media

Changes bring print, cinema and online and social media into line with television, where strict regulation prohibits the advertising of unhealthy food to children

Josie Clarke | Thursday 8 December 2016 07:29 GMT | 1 comment



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Tough new rules for junk food ads

[Posted: Mon 15/10/2012 by Deborah Condon www.irishhealth.com]

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.

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7 February 2012 Last updated at 13:43



Republic could ban drinks sponsorship of sports events

Drinks firms will no longer be able to sponsor sports events, concerts or festivals in the Irish Republic, if recommendations in a report are adopted.

The National Substance Misuse Strategy has recommended that drinks industry sponsorship of sport and other large events be phased out by 2016.



is legislation for minimum alcohol

is for a "social responsibility" levy on the industry.

proposal is a 21:00 GMT watershed for alcohol advertising on and radio.

an, is chief executive of Alcohol Action Ireland, which is a of the strategy's steering group.

sports sponsorship was "very lucrative" for the alcohol industry them access to the young male market.

said alcohol was as much a threat to people's health as tobacco one thirteenth of the country's health budget was being spent on related illness.

g guidelines

ospital beds a night are in terms of alcohol related causes, one in

11 kids tell us they are impacted by parental drinking, one in seven kids are in care because of parental drinking," she said.

Loi Evin: 20 years on

01-02-2012 David-Irving Tayer and Benjamin Martin-Tardivat


On January 10, 1991, France passed a law in the fight against smoking and alcoholism. This law, 'Loi Evin', was named after health minister Claude Evin and inserted in the French Public Health Code.

The Slippery Slope: Point of Sales and Access measures

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Bill seeking to restrict alcohol sales reaches Estonian government

24.01.2017 15:52



NEWS

Minister of Health and Labour Jevgeni Ossinovski (IRL) has submitted to the Estonian government a bill which, in addition to previously planned restrictions on alcohol advertising, would ban alcohol advertisement on 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 Ad Law did not include online advertisements, representatives of all three government coalitions decided that the bill must also take into account what is happening online and the influence of social media, the Ministry of Social Affairs said.

"It has been proven that alcohol advertisements have an extensive effect on people's consumption habits, especially those of young people," Ossinovski said. "Taking into account the growing influence of social media, we have decided to ban all alcohol advertisements on social media."

NUTRA ingredients.com

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France launches controversial vending machine ban

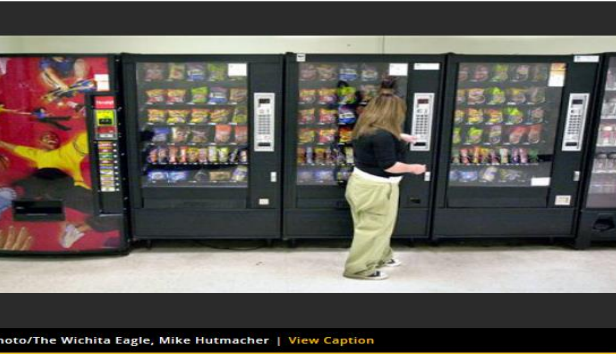
By Chris Mercer, 02-Sep-2005

THE CULTURE | FAMILY

Junk foods banned by federal government in public schools

Junk foods, the sugary, syrupy, fattening stuff sold for a few quarters in school vending machines, are getting tossed by the federal government. The program, called 'Smart Snacks in Schools,' will replace junk foods with healthier items on school menus in the 2014-2015 school year.

By Staff, Associated Press | JUNE 27, 2013



AP Photo/The Wichita Eagle, Mike Hutmacher | View Caption

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

Healthline News

Healthline News → Healthline News → Battle Intensifies to Keep Junk Food Out of School Lunch Rooms

Battle Intensifies to Keep Junk Food Out of School Lunch Rooms

Shelby Alexander and Nina Lincoff | Published on August 30, 2016

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FEBRUARY 9 2017


Hospital cafeterias to limit junk food and promote healthy food in proposed policy

Harriet Alexander

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Hospital kiosks and cafeterias would have to slash their junk food offerings under a confidential proposal that would force medical institutions to practise what they preach on nutrition.


The NSW government's proposed food and drink standard for NSW health facilities would replace the current [traffic light food classification system](#) with two categories - everyday and occasional - with strict limits on the portion sizes and overall proportion of food deemed to fall into the less healthy category.



Documents over serving junk food in schools... ns fats.

... about money.

to keep junk food from competing with... childhood obesity, but students who live... orhoods have shown more progress than... according to a [study](#) of California children



What Australians are buying in 2016

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- 1 Education Minister... problems at Punchb...
- 2 You'll be unemployed... How this nurse prove... wrong
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- 4 The Sydney schools... students speak anoth...

The Slippery Slope: Packaging measures & Plain Packaging



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CANADIAN HEALTH GROUP PUSHES PLAIN PACKAGING FOR SODA

Health advocacy groups suggest that plain packaging on tobacco has worked so well that it should be used on all unhealthy products.

August 8, 2016

LONDON – Retail Express reports that the Ontario Medical Association (OMA) in Canada has mocked up images of plain packaging on food and drink products, namely soft drinks.

Alex Scholten, president of the Canadian Convenience Stores Association, told Retail Express that the OMA's packaging designs were an international concern. "We're very troubled by this, and we absolutely see it as a threat," he said.

"Not only would it mean challenges for the industry, but it appears the products and services we provide are being singled out as the sole cause of unhealthy lifestyles, which is completely unfair," Scholten continued. "In Canada, health advocacy groups are saying plain packaging on tobacco has worked so well it should be used on all unhealthy products."

Scholten told the news source that convenience stores in Canada are not only being targeted by health campaigners, but also politicians who are likely to gravitate toward policies such as plain packaging on foods and beverages as a means to raise tax revenue.

"Where does this end?" Scholten said. "These are very complex issues."

More from Laura Brehaut | @newedist

Researcher Wolfram Schultz thinks it could, the Guardian reports.

It's important to limit temptation in our environment "as we cannot do anything against the brain's signal that makes us happy when we eat more," he told Cambridge News.

Schultz, a professor of neuroscience at the University of Cambridge in the U.K., won a share in this year's C1m-Brain Prize for his research on the brain's reward system. Much in the same way that plain packaging has been employed to cut smoking in some countries, he believes it could lessen people's desire for calorie-rich foods, which puts them at risk of overeating.

I don't smoke. In fact, I despise cigarettes and their foul stench. Nobody should touch tobacco or for that matter any other addictive drug.

But the decision to enforce plain packaging on the tobacco industry – now confirmed by the courts – is a major mistake which will hurt the economy over time and do little or nothing to discourage smoking.

In fact, it's time for soft drink, chocolate and alcohol manufacturers to be very, very worried. They and anybody else whose wares fall out of favour will be next – and after that, who knows? The authorities have decided that they can wage war on companies they don't like, ban them from using their brands on their packaging and thus dispossess them of a crucial asset without compensation.

Tobacco firms' legal challenges to plain packets failed CREDIT: ASH

WATCH ABOVE: Researchers at a Halifax university have looked into whether graphic warning labels on alcohol could curb binge drinking, much like the warnings on cigarettes have reduced the rates of smoking. Rebecca Lau has more.

"Chances are, once positive association with the product is decreased, the consumer doesn't want the product as much."



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



EVIDENCE 'WORLD'S TOUGHEST ANTI-SMOKING LAWS' NOT WORKING
Labor's plain packaging fails as cigarette sales rise



The WTO Dispute against Australia's Plain Packaging legislation

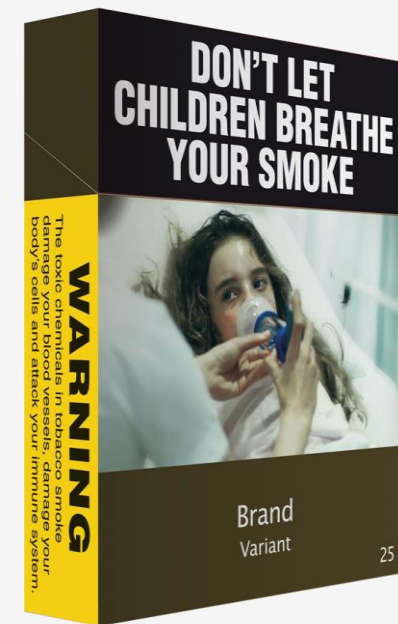
WTO Dispute against Australian Plain Packaging legislation

- **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.**



Plain Packaging and Intellectual Property rights

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**



Plain Packaging: we are not the only ones concerned about it!

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.



And many more...



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.

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

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

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!

Global Regulatory Trends Undermining the Future of Brands: A possible future?





BEWARE!

Global Regulatory Trends Undermining
the Future of Brands

It's Time to Speak Up!

VINO SPANIA
CUVÉE: Utxeo
APPELLATION:
Ribera Del Duero
VINTAGE: 2000
WINE OF SPAIN
750ml 15% A/BV

WINE OF AUSTRALIA
CUVÉE: Shiraz
APPELLATION:
South East Australia
VINTAGE: 2000
WINE OF AUSTRALIA
750ml 14% A/BV

WINE OF FRANCE
CUVÉE: N/A
APPELLATION:
La Tache
VINTAGE: 2000
WINE OF FRANCE
750ml 13% A/BV

WINE OF USA
CUVÉE:
Cabernet Sauvignon
APPELLATION:
Napa
VINTAGE: 2000
WINE OF USA
750ml 14% A/BV

WINE OF CHILE
CUVÉE: Merlot
APPELLATION:
Rapel valley
VINTAGE: 2000
WINE OF CHILE
750ml 13% A/BV