

# How the Malaysian tobacco industry exploits loopholes in pictorial health warnings

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The Malaysian government ratified the WHO Framework Convention on Tobacco Control in 2005, committing itself to implement strong tobacco control policies.

Pictorial health warnings (PHWs) were introduced with the enactment of the Control of Tobacco Product (Amendment) Regulations (CTPR) 2008.<sup>1</sup> It stipulated that cigarette packs sold in Malaysia should have six rotating PHWs occupying 40% of the front and 60% of the back of the principal areas of each pack effective from 1 January 2009.

With the comprehensive ban of tobacco advertising, promotions and sponsorships in 2004,<sup>2</sup> the tobacco industry has introduced innovative pack designs that are strategically displayed at points-of-sale. After the implementation of PHWs, a surveillance of the industry's marketing tactics revealed that they have continued to introduce cigarette packs in various designs and shapes to reduce the effects of health warnings by exploiting legal loopholes.

The main flaw in the CTPR 2008 is the absence of a specification for a minimum allowable pack size for PHWs, thus allowing the importation of Sampoerna 'Avolution' cigarette packs from Indonesia in the shape of small 'lipstick' boxes (figure 1). The PHW on the pack is significantly distorted and almost unrecognisable. Affixing of the tax stamp on each imported 'lipstick' cigarette pack covers almost two-thirds of the PHW. These features are likely to significantly reduce the effectiveness of PHWs.

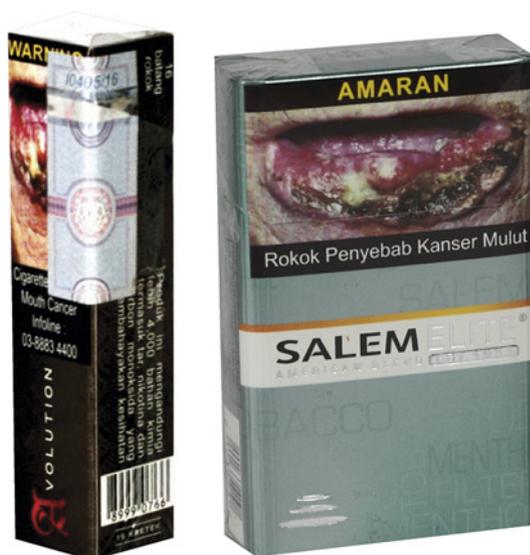
British American Tobacco (Malaysia), the largest tobacco company in the country, has devised an ingenious way to conceal the PHWs by providing an open-ended partially transparent sleeve with an innovative design printed at the bottom front and back of the sleeve (figure 2). Smokers may invert the sleeve with the design to the top of the pack to mask the PHWs.

Another tactic used by the industry is to add colourful graphic designs on the bottom half of the pack, taking advantage of the absence of a ban on the use of colours and designs. Figure 3 shows how Philip Morris (Malaysia), one of the three main transnational tobacco companies in Malaysia, uses colours and graphic designs to distract viewers from the health warnings. A study on viewing current Malaysian pictorial warning labels on cigarette packs among adult smokers and non-smokers using eye-tracking technology showed that smokers spent a longer duration of time viewing attractive brand designs compared with the health warning image.<sup>3</sup>

The CTPR 2008 does not specify the width of the black border where the word 'WARNING' or 'AMARAN' (in Malay) and the health message text are printed on each unit packet and unit carton. Philip Morris (Malaysia) capitalised on this loophole by increasing the border width to reduce the size of the PHWs (figure 4).

Attractive pastel colours were also used to tone down the impact of the gory pictures (figure 5). There is a concern that smokers may perceive fruit-flavoured cigarettes as less harmful.

It is evident that the industry is actively finding ways to circumvent and reduce the impact of PHWs. The Malaysian government should take action to address these loopholes in the current legislation by specifying the shape and dimensions



**Figure 1** Pictorial health warning is distorted due to poor scaling for the lipstick pack.



**Figure 2** The transparent sleeve can be inverted to cover the pictorial health warning.

## Industry watch



**Figure 3** Graphic design on the pack helps to distract a smoker from the pictorial health warning.



Back view

**Figure 4** The black border of the Marlboro textual health message is wider, reducing the size of the pictorial health warning.

**Figure 5** Pastel colours are used to provide a soothing effect for flavoured cigarettes such as apple, strawberry and orange.



of the cigarette packs on which PHWs are printed, the placement of the tax stamp and the width of the black border as well as banning the use of trademarks, logos, colour schemes and artistic graphic designs. In addition, it is recommended that generic or plain packaging of a standardised pack size be introduced that only permits the use of brand names in a standard colour and font style. Standardised packaging helps to increase the noticeability, recall and believability of health warnings.<sup>4 5</sup> For countries that are considering PHWs, it is recommended that they pay attention to these loopholes to prevent exploitation by the industry.

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