



PLAIN PACKAGING OF TOBACCO PRODUCTS: COULD IT HAPPEN IN SOUTH AFRICA?

WEDNESDAY 20TH NOVEMBER 2013

17:00 - 19:00

KEYNOTE ADDRESS

Ms Nicola Roxon, Former Minister of Health and Attorney General of Australia

SPEAKERS

Professor PJ Schwikkard, Dean of Law, University of Cape Town, South Africa

Ms Patricia Lambert, Director of the International Legal Consortium, The Campaign for Tobacco Free Kids

In Australia, starting on 1st December 2012, it became illegal for tobacco companies to sell cigarettes and other tobacco products in anything other than generic or 'plain' packaging. Tobacco packaging must be a standard drab dark brown colour, and the printing of tobacco company logos, brand imagery, colours, or promotional text is prohibited. It is a world first and represents a remarkable victory for public health. Nations around the globe applauded the Australian government for taking strong action to reduce tobacco use, the world's leading cause of preventable death and disease. This policy will save lives and stop the tobacco companies from using their packaging as advertising and making their products more appealing, especially to young people.

Needless to say, this life-saving, public health-focused victory did not come easily. From the time that the Australian Government announced its intention to pass a law mandating plain packaging, the tobacco industry mounted a multi-million dollar campaign to thwart the measure. And once the legislation was passed, four multinational tobacco companies - British American Tobacco, Imperial Tobacco, Japan Tobacco and Philip Morris - challenged the legislation in the Australian courts on constitutional grounds that the government's action amounted to an acquisition of property other than on just terms. The case was heard in April 2012 and the High Court ruled that plain packaging was constitutional and awarded costs, estimated to run into hundreds of thousands of dollars, against the tobacco companies.

New Zealand, Ireland and Scotland have announced that they will follow Australia's move, and other governments, including South Africa, are considering doing so. Could it happen in South Africa?

The federal Minister for Health at the time, later the Attorney General, Ms Nicola Roxon, will be giving a keynote address at the Faculty of Law at the University of Cape Town to discuss the advent of the plain packaging legislation and its aftermath.

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