

The Smokefree legislation is evidence-based, removing it is not

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Summary

The new Prime Minister has repeatedly said the Government is committed to addressing the tobacco epidemic and that it will follow the evidence; both coalition agreements declare decisions will be “based on data and evidence”. Yet, one of the coalition government’s proposed actions – to repeal the world-leading smokefree legislation – runs directly contrary to evidence and will ensure smoking continues to cost thousands of lives and millions of health care dollars. Prime Minister Luxon could yet display strong leadership by retaining legislation that will end the smoking epidemic.

The new coalition government has set out its decision making principles, which include their intention to make “decisions ...based on data and evidence”. Yet one of their initial actions proposes repealing Aotearoa New Zealand’s (NZ) world-leading smokefree legislation.

Coalition agreements between the National Party and its partners, ACT and NZ First, outline the government’s intention to remove three specific policies enacted through the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act:

- Limiting the number of retail outlets where tobacco can be sold from around 6000 to no more than 600;

- Denicotinisation, or lowering the nicotine content of cigarettes and tobacco to non-addictive levels, and
- Introducing a smokefree generation, by making it illegal to sell tobacco to anyone born after 2009.

However, rather than demonstrate the coalition's commitment to basing policy on evidence, this plan suggests they have eschewed robust, peer-reviewed studies in favour of an agenda that will only benefit tobacco companies.

NZ's world leading legislation has a strong evidence base that includes national and international studies. Strong theoretical and logical considerations and numerous studies, including systematic reviews, randomised trials, epidemiological investigations, modelling¹, opinion surveys, and in-depth analyses of people who smoke and young people,²⁻⁴ informed the legislation. International experts have strongly endorsed NZ's approach, which has already inspired global change.

How much harm will this decision cause?

Every year, 5000 New Zealanders die from diseases caused by smoking. Modelling suggests that the new legislation would save thousands of lives, particularly by reducing the heavy burden smoking places on Māori. Deaths from smoking are predicted to reduce by 1170 (463 among Māori) within 10 years and by 8150 (2811 among Māori) over 20 years (with 95% uncertainty for the 8150 value being: 6450 to 9890).¹ Over time, as smoking prevalence falls, the number of lives and health care costs saved, will increase greatly. However, repealing the legislation will cause more deaths, more preventable cancers and other serious diseases, more healthcare costs, and more suffering among families bereft of loved ones.⁵

Economic benefits to society from reducing smoking

The government has explained that repealing the smokefree legislation will ensure ongoing tobacco tax revenue, which it plans to use to fund income tax reductions for middle-income citizens. This perverse situation will see tax from the poorest citizens who smoke used to fund tax cuts for wealthier groups who typically do not smoke. We suggest a longer-term perspective would recognise that the smokefree legislation will reduce health costs from smoking-related diseases and improve worker productivity, thus increasing incomes and income tax revenue. Forthcoming work (currently "in press") will address these points comprehensively and, earlier studies have identified the billions of health cost savings that tobacco endgame strategies could bring within NZ.^{6; 7} NZ work has also identified the increased income that could be gained if smoking prevalence fell to minimal levels; for example, New Zealanders lose over \$700 million each year in lost income due to cardiovascular disease alone.⁸

So what "evidence" has the coalition put forward to justify their plans?

Ram raids

Claims that reducing the number of outlets selling tobacco will lead to more ram raids on remaining retailers—as stated by the Prime Minister—lack any evidence base. The logical

solution to ram raids, which appear to be declining anyway, is to reduce the number of tobacco retail outlets, require these to meet rigorous security criteria, and sell only denicotinised cigarettes, which will be much less appealing. The smokefree legislation proposes exactly this process.

Black market

Luxon also drew on the tobacco industry's tired and specious claim that the smokefree legislation will fuel a black market for cigarettes and tobacco. As we have shown before, this argument is inconsistent with the evidence. Analyses of discarded cigarette packs show that the proportion of foreign packs (i.e., those assumed to be smuggled) discarded on streets has remained constant over time.⁹ Despite tobacco companies' claims at the time, illicit trade did not increase when the Government introduced higher excise taxes or plain packaging.⁹

Not only does the evidence indicate no change in the illicit market, but a recent study of people who smoke found they are largely uninterested in illicit tobacco and concerned about the risks of dealing with underground suppliers.¹⁰ Nor does home-grown tobacco, which they described as 'vile', 'disgusting' and 'feral', offer an appealing long-term alternative to denicotinised tobacco.¹⁰

Evidence from Europe suggests that as the legal market declined in line with decreasing smoking prevalence, so too did the illegal market. Claims of black market growth are greatly exaggerated and benefits the smokefree legislation would bring far outweigh what little risk there is of increased black market activity.

Freedom of choice

The Smokefree law offers current and future New Zealanders a much greater chance of freedom from nicotine addiction and the numerous harms caused by smoking. Those interested in evidence will know that is exactly what most people, including most people who smoke, want.

Where have we heard these arguments before?

These claims are not grounded in evidence but are the same as those rehearsed repeatedly by tobacco companies.

A way forward

The new coalition government has stated its commitment to reducing smoking rates. It has also noted its intention to make evidence-based decisions. We call on the Prime Minister and Health Minister to re-familiarise themselves with the evidence supporting each of the three measures they propose jettisoning, and to retain the smokefree laws as they stand. The political cost of renegotiating coalition agreements will be far smaller than the political cost of railing against the evidence and the enormous health burden caused by imposing additional smoking-related suffering on current and future generations.

What is new in this Briefing

- The newly formed coalition Government has outlined their intention to make decisions based on evidence yet has simultaneously indicated they will repeal the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act.
- The evidence clearly supports the current smokefree legislation and predicts it drastically reduce smoking rates and bring major health gains, particularly for Māori.
- Arguments the government has adduced for removing the legislation are weak, inconsistent with robust research evidence, and will bring neither health nor overall economic benefits.

Implications for public health policy

- The Prime Minister has a crucial opportunity to show leadership by drawing on the strong evidence, revising the coalition agreement, and protecting the smokefree legislation.

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