

Japan Tobacco sues Thailand over cigarette packaging

June 26 2013

Japan Tobacco is suing the Thai government over plans to introduce bigger and more prominent anti-smoking warnings on cigarette packets, the company said Wednesday, as rival Philip Morris vows similar action.

The [Tokyo](#)-based firm, one of the world's biggest cigarette companies, with brands including Winston and Benson & Hedges, said the planned changes from Thailand's public health ministry would interfere with its operations in the kingdom.

Thailand has decided to extend [health warnings](#) from 50 to 85 percent on both sides of every cigarette packet sold in the country. The new rule is to come into effect in October, but Japan Tobacco said the change would have a "disproportionate impact on legitimate competition, intellectual property rights and freedom of expression".

"In order to protect its ability to continue to use its brands and key trademarks in Thailand, JTI (Japan Tobacco International) has initiated a legal challenge against this notification," the company said in a statement, referring to a lawsuit filed in Thailand on June 19.

The company added that adult smokers should be "appropriately informed" before deciding to smoke and smokers "should continue to be reminded" about the health risks.

"JTI however does not believe that increasing the size of graphic health warnings to cover 85% of cigarette packaging is effective or

proportionate," it added.

Philip Morris, which makes the Marlboro brand, and hundreds of Thai retailers on Tuesday warned they would sue Thai health authorities and claimed the industry was not consulted on the changes from Thailand's health ministry.

"Given the negative impact this policy will have on our trademarks and the fact the Ministry ignored our voice and the voices of thousands of retailers enacting this rule, we have no choice but to ask the court to intervene," company spokesman Onanong Pratakphiriya said in a statement, adding the lawsuit will be brought before July 4.

Philip Morris has fought bitter legal battles with governments before, most famously losing an action against a pioneering Australian government policy to introduce entirely plain cigarette packaging with the same typeface and graphic images of diseased smokers.

Thailand's Deputy Health Minister Cholnan Srikaew dismissed the threat from [Philip Morris](#).

"We have the authority to do it... the law allows the ministry to do it," he said, adding that he hoped the enlarged pictures "will make new smokers rethink before they decide to smoke".

Thailand bans smoking in public places but figures from its Office of Tobacco Control said smoking rates among those 15 years and older remained roughly unchanged from 27.2 percent in 2009 to 26.9 in 2011.

The tobacco lobby has systematically tried to block laws curbing their ability to advertise their products or raise taxes on cigarettes, but more and more countries are adopting the approach as the health costs of smoking mount.

Last week European Union member states agreed to cover 65 percent of packaging with [health](#) warnings, but the new rule needs approval from the European Parliament to come into force.

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