

Top EU lawyer rejects complaints against new tobacco rules

December 23 2015

A senior lawyer for the EU's top court on Wednesday rejected claims, including by US tobacco giant Philip Morris, that the bloc's new law on plain packaging and banning flavours was illegal.

Philip Morris International, maker of iconic brands such as Marlboro, said it would challenge the rules on the grounds they distorted the EU's single market and undercut consumer choice.

The company, along with British American Tobacco, especially criticised the [plain packaging](#) requirement which eliminates manufacturers' branding and product claims in favour of dominant health warnings.

Advocate General Juliane Kokott said the EU legislation had been properly adopted in 2014 and aimed to ensure standard practice across the 28-nation bloc so as to combat the health risks associated with smoking.

Kokott said the legislation meant all [tobacco manufacturers](#) were on a level playing field and they could not claim discrimination.

The European Union's standardisation of the labelling and packaging of [tobacco products](#) was "proportionate," Kokott said in a statement issued by the European Court of Justice in Luxembourg.

"They make a particular contribution to increasing the visibility of health

warnings and maximising their efficacy," she said, citing the special need to make smoking unattractive to younger people.

As for a ban on [menthol cigarettes](#), contested by Poland, Kokott said there was "a serious risk that flavoured cigarettes will facilitate initiation of tobacco consumption for non-smokers and make it more difficult for habitual smokers to escape nicotine addiction.

"The necessity of an EU-wide prohibition on all characterising flavours, including menthol, cannot seriously be called into question, particularly in view of the precautionary principle and the standards of the WHO."

Kokott said the EU was similarly correct in introducing restrictions on e-cigarettes.

The ECJ is the EU's top court and normally it follows the advice given by its Advocate Generals, senior lawyers called on to submit an initial opinion before a formal ruling.

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Citation: Top EU lawyer rejects complaints against new tobacco rules (2015, December 23) retrieved 19 September 2024 from

<https://medicalxpress.com/news/2015-12-eu-lawyer-complaints-tobacco.html>

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