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Ministry to appeal ruling on cigarette box images

COURT CANCELS SCHEME TO INCREASE THE SIZE OF WARNING GRAPHICS ON PACKETS

PONGPHON SARNSAMAK
THE NATION

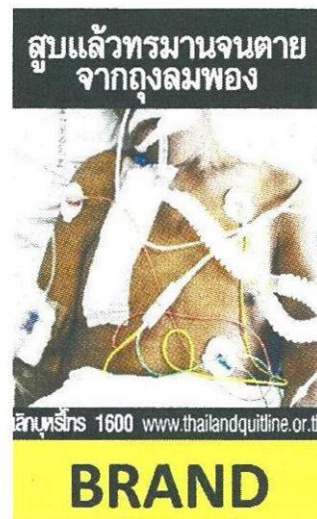
THE PUBLIC Health Ministry is planning to file an appeal with the Supreme Administrative Court so it can go ahead with making the warning graphics on cigarette packets larger.

The Administrative Court on Monday suspended the plan, under which tobacco companies would have to increase the size of the warning graphic from 55 per cent of the surface on ciga-

rette packets to 85 per cent.

"I will consult with legal experts to find out about the appeal procedure," the ministry's permanent secretary Dr Narong Sahametapat said. He had just received the Administrative Court's order to suspend imposition of the new ministerial edict.

Meanwhile, Dr Nopporn Cheanklin, deputy director of



The Public Health Ministry decided that from later this year, cigarette packets will have to carry a warning picture covering 85 per cent of the surface on both sides, but the court has suspended that order.

the Disease Control Department, said health officials would convene today to study the legal procedure on filing an appeal to the Supreme Administrative Court within 30 days of the lower court's ruling.

He said that according to the World Health Organisation's Framework Convention on Tobacco Control, a public health authority should not ask tobacco firms for recommendations on regulations aimed at controlling the consumption of their products.

"This regulation will not create any burden on the tobacco companies. In fact, this regulation will prevent young people from becoming

addicted to smoking," he said.

The Administrative Court issued its ruling after the Thai Tobacco Trade Association, which represents more than 1,400 retailers nationwide, called on the court to invalidate the Public Health Ministry's "unconstitutional" decision to impose new warnings on cigarette packages.

The association reasoned that the regulation would lead to real problems for retailers. These would include higher operating costs and a likely consumer shift towards cheaper, lower-margin, roll-your-own tobacco, which is not subject to the new warnings and yet makes up about half of all tobacco sold in Thailand. It would also provide new incentives for the black market to increase - where products are less expensive to buy, highly profitable to sell and often have smaller warnings or no warnings at all.

Moreover, the ministry has no legal authority to issue this regulation, it

argued.

Dr Hathai Chitanont, director of the Thailand Health Promotion Institute, said he backed the ministry's attempt to control tobacco consumption and to file an appeal to the Supreme Court.

He suggested the ministry do a lot of homework and collect more scientific data and evidence to prove that making the warning graphics bigger on cigarette packets would reduce the number of smokers and prevent new ones. However, he acknowledged that he was aware of no research so far proving this assumption.