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Simon Reeve
Head of Clinical and Cost Effectiveness
Department of Health
Room 5E56
Quarry House, Quarry Hill
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Dear Simon,

Public health intervention guidance: preventing the uptake of smoking by children

You will be aware that as part of its 12th wave, NICE was asked by the DH to produce public health guidance on how to prevent the uptake of smoking by children and young people. This guidance focuses on mass-media and point-of-sales measures and is for those working in the NHS, local authorities, the criminal justice system and the wider public, private, voluntary and community sectors.

NICE's independent Public Health Interventions Advisory Committee (PHIAC) considered a review of evidence, economic analyses and received expert testimony on this topic. As a consequence, it made a number of draft recommendations, which NICE has recently released for consultation with stakeholders from 19 March to 18 April. One of the draft recommendations is to national government to support better enforcement of existing legislation through awareness raising, education and training for local authorities, trading

standards, retailers and magistrates. The scheduled publication date for the final guidance is July 2008.

PHIAC were also minded to make a number of suggestions for Government to consider new legislation on a range of measures. These are not included in the draft guidance, but seemed to PHIAC to be important. The Committee believes that restrictions on the access to vending machines, limits on point-of-sale displays (for example, by making it the law to store all tobacco products in cabinets under the counter, hidden from view) and further restrictions on packaging to make cigarettes less attractive are important areas for potential preventive actions. PHIAC was aware that the Secretary of State had last December announced (as part of the *Cancer Reform Strategy*) that the Department was intending to consult on these options in the Spring. Of course, the Department has since re-announced its plans to consult and there was extensive press coverage of these matters over the Easter weekend.

PHIAC also supported the adoption of a positive licensing scheme (which offers a number of benefits over a negative scheme) and fixed monetary penalties, so that enforcement officers can issue on-the-spot fines for selling tobacco to persons under 18. In addition, PHIAC suggested measures to control underage access to cigarettes from all sources (including by proxy).

The Committee was informed that some of the above measures may be introduced via the Regulatory Enforcement and Sanctions Bill and the Criminal Justice and Immigration Bill currently in Parliament (Clause 168). Others may be the subject of a DH consultation in Spring 2008. PHIAC is keen for Government to consider their full list of proposals.

While there is no trial evidence to demonstrate that each of the above measures will be effective in preventing the uptake of smoking, there is a great deal of evidence that access restriction interventions impact on the number of sales to young people, young people's ability to access cigarettes and compliance by store staff who sell cigarettes. It follows that further, active enforcement is crucial.

PHIAC is delighted the government is considering many of these measures, as are other European institutions. PHIAC feel that it would be helpful if their consideration of these matters based on their assessment of the evidence was conveyed to the Minister.

Yours sincerely,

Andrew Dillon
Chief Executive

Cc Mike Kelly