



PHILIP MORRIS SALES AND MARKETING

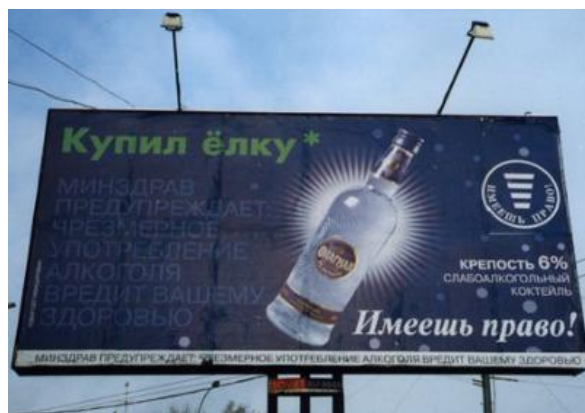
Тенденции законодательного ограничения использования товарных знаков для некоторых товарных категорий

Екатерина Кузнецова

Москва, 24 мая 2013

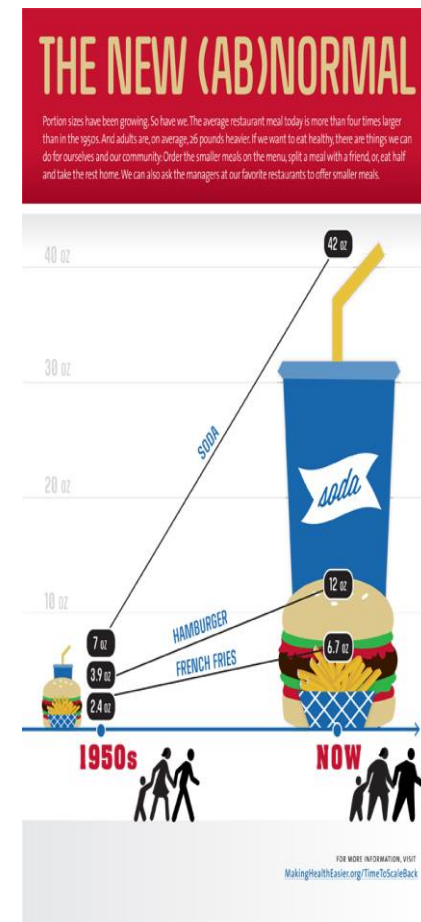
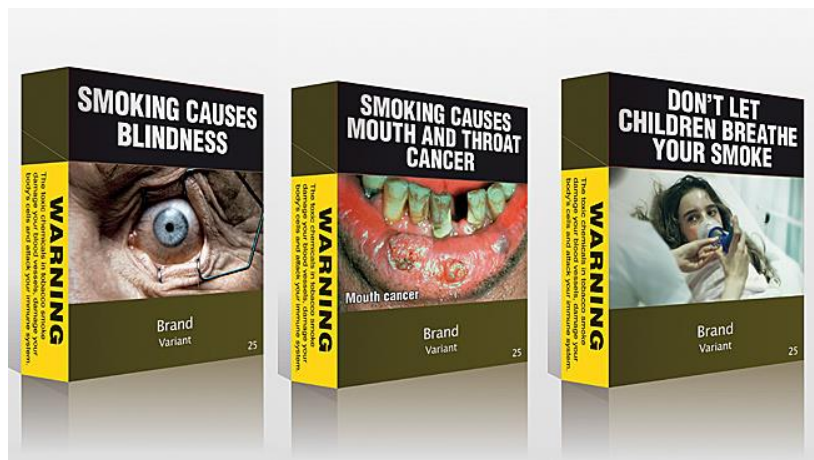


Торговые марки FMCG вчера...





... и сегодня

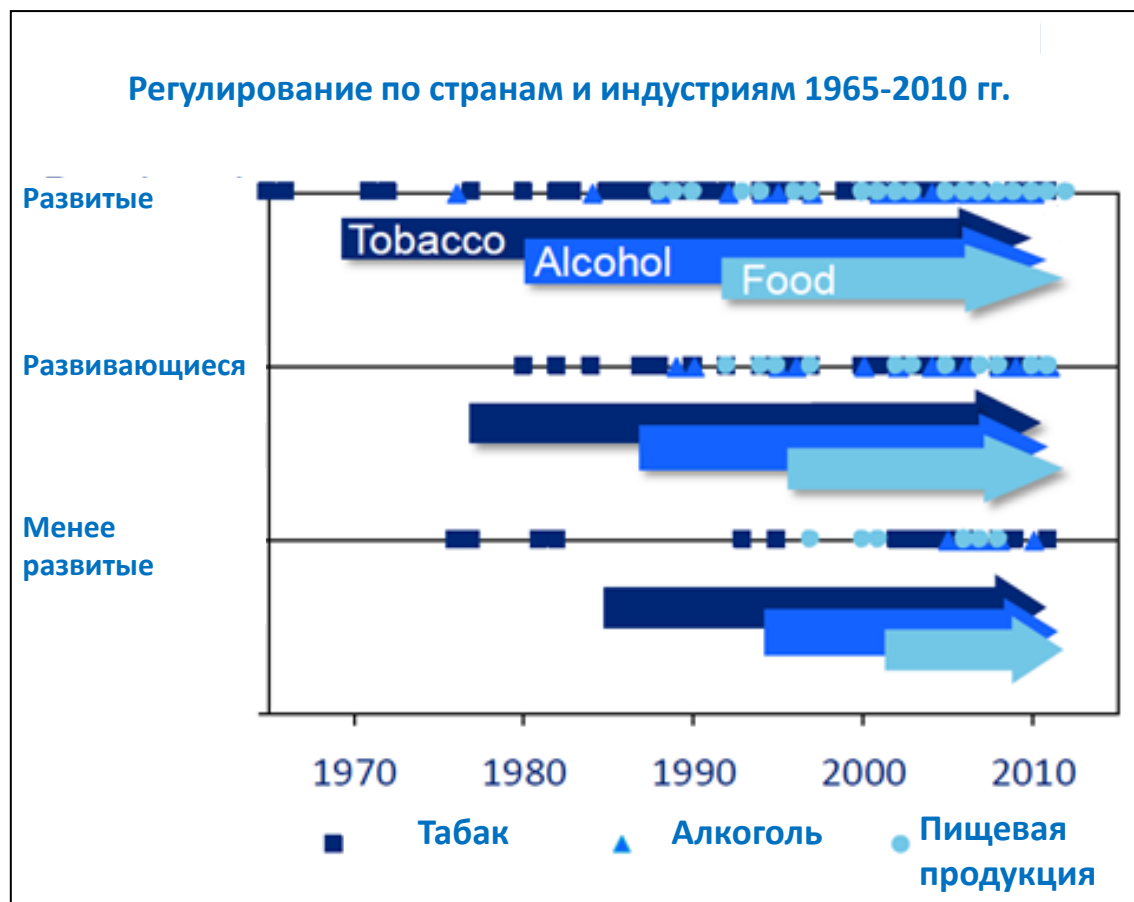




Откуда тенденция?



BILL & MELINDA
GATES foundation



Источник: Deloitte, "Regulation and taxation of consumer products: A growing burden," 11 ноября 2011 доступно по ссылке

<http://www.deloitte.com/assets/Dcom->

[Kenya/Local%20Assets/Documents/Regulation%20and%20Taxation%20of%20consumer%20Products.pdf](http://www.deloitte.com/assets/Dcom-Kenya/Local%20Assets/Documents/Regulation%20and%20Taxation%20of%20consumer%20Products.pdf)



?



Тенденция: не только табак

THE LANCET

Australia's plain tobacco packaging



For more on Australia's Tobacco Plain Packaging Act 2011 see <http://www.comlaw.gov.au/details/2011/00148>
For more on the evidence for plain tobacco packaging see <http://tobaccocontrol.bmj.com/content/20/S3/367>
Encouraging tobacco control: Australia's High Court decision see <http://www.hcourt.gov.au/assets/publications/judgments-summaries/2012/hca30-2012-08-15.pdf>

The eyes of the world are on Australia in the battle over plain cigarette packaging. Last November, the Australian Government passed the Tobacco Plain Packaging Act 2011. The Act requires tobacco products to be sold in plain packaging from December, 2012, which means removing colourful branding—the key marketing tool used by the tobacco industry. Evidence suggests that plain packaging is significantly less appealing than branded packaging, and can increase negative perceptions of smoking and avoidance behaviours in young adult smokers. As expected, the Act has been subject to a series of unprecedentedly fierce attacks by several tobacco companies, including a legal challenge in Australia's High Court. Such campaigns are not just targeted at Australia—they can also intimidate other countries that might be contemplating taking similar steps.

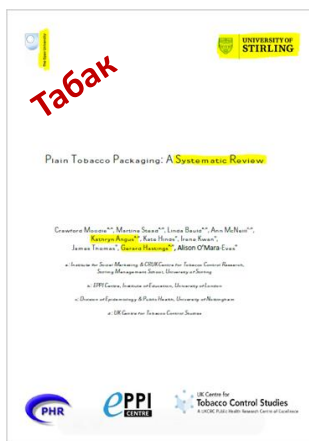
warmly applauded by WHO, which expects "a domino effect for the good of public health".

Like many other milestone tobacco-control legislations such as pictorial warnings on tobacco packets, first adopted by Canada in 2001, and workplace smoking bans, first introduced in Ireland in 2004, Australia's lead in plain packaging will inevitably be followed by many other countries. Indeed, the UK, Norway, New Zealand, Canada, India, and South Africa are already considering taking such measures. Furthermore, the valuable lessons learnt in the fight against tobacco can be taken on board in countering the rampant marketing of alcohol and fast food.

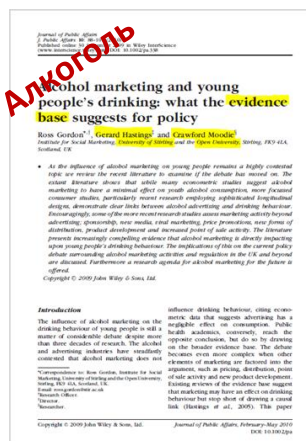
Australia's victory also confirms that countries can successfully challenge the tobacco industry. This message is particularly important for low-income and middle-income countries, where the tobacco industry has

Encouraging tobacco control: Australia's High Court decision see <http://www.hcourt.gov.au/assets/publications/judgments-summaries/2012/hca30-2012-08-15.pdf>

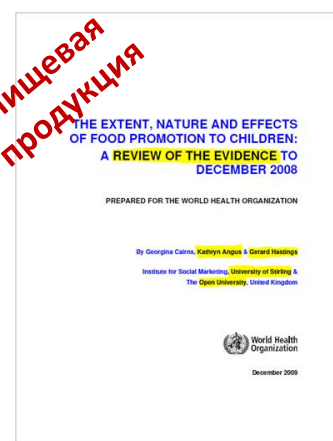
“Полезные уроки, извлеченные из борьбы с табаком, могут быть использованы в противостоянии алкогольным и пищевым компаниям.”



Одни и те же организации



Одни и те же исследования



Одни и те же авторы



Cigarette packs to feature larger health warnings under EU plans

European commission suggests covering 75% of packaging with warnings and banning menthol cigarettes

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News > Society > Alcohol

Drinkers consume beer more quickly from curved glasses, study finds

Researchers say drinkers took 12 minutes to finish 12 fl oz of lager from a straight glass, but seven from a curved one

Steven Morris

The Guardian, Friday 31 August 2012 18.53 BST



Drinkers find it easier to identify the halfway mark on a straight glass of beer, researchers say. Photograph: Bill Deering/Getty Images

Glass Shape Influences Consumption Rate for Alcoholic Beverages

Angela S. Attwood^{*}, Nicholas E. Scott-Samuel, George Stothart, Marcus R. Munafò

School of Experimental Psychology, University of Bristol, Bristol, United Kingdom

Abstract

Background: High levels of alcohol consumption and increases in heavy episodic drinking (binge drinking) are a growing public concern, due to their association with increased risk of personal and societal harm. Alcohol consumption has been shown to be sensitive to factors such as price and availability. The aim of this study was to explore the influence of glass shape on the rate of consumption of alcoholic and non-alcoholic beverages.

Methods: This was an experimental design with beverage (lager, soft drink), glass (straight, curved) and quantity (6 fl oz, 12 fl oz) as between-subjects factors. Social male and female alcohol consumers ($n=159$) attended two experimental sessions, and drank either lager or a soft drink from either a curved or straight-sided glass, and complete a computerized measure of drinking rate at the midpoint of the two glasses (order counterbalanced). Ethical approval was

“Законодательство по контролю и ограничению [торговых марок алкогольной продукции] может повлиять на характер потребления алкоголя. Параллели могут быть проведены, исходя из антитабачной литературы, где унифицированная упаковка использовалась для привлечения внимания к предупредительным надписям.”

Ссылка

Plain packaging increases visual attention to health warnings on cigarette packs in non-smokers and weekly smokers but not daily smokers

Автор

Marcus R. Munafò¹, Nicole Roberts², Linda Bauld³ & Ute Leonards¹

School of Experimental Psychology and UK Centre for Tobacco Control Studies, University of Bristol, Bristol, UK; ¹ Department of Psychology, University of Bath, Claverton Down, Bath, UK; ² and School of Management and UK Centre for Tobacco Control Studies, University of Stirling, Stirling, UK; ³

*“Группа американских специалистов в области здравоохранения призывает к «отставке» символа Рональда МакДональда из-за его связи с тем, что они называют нездоровая пища. **Та же группа в 1990-х гг. вела кампанию против символа верблюда Camel.**”*



Montreal Economic Institute 2011



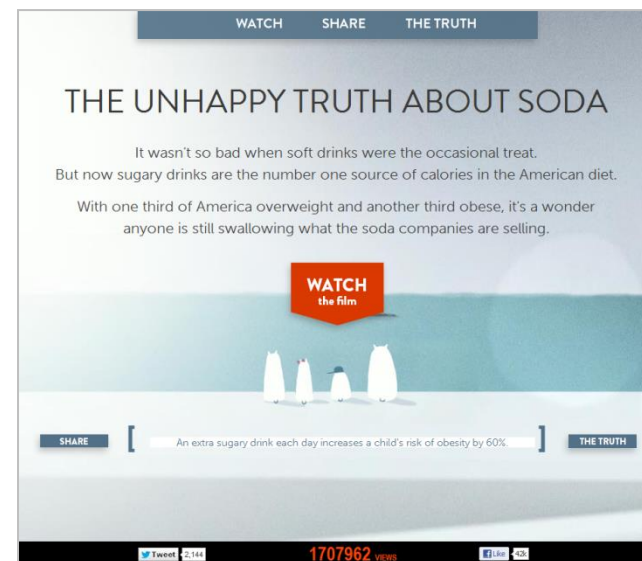
Та же тактика: нацеленность на индустрию

“Продукция пищевых и алкогольных компаний, наряду с табаком, представляют наиболее серьезную проблему в области здравоохранения. В то время как правительство считает пищевые и алкогольные компании своими партнерами, организации здравоохранения все больше говорят о них как о векторах заболеваний.”

Источник: Anna Gilmore and Jeff Collin, “Drinks companies spread liver disease as surely as mosquitoes do malaria”, *The Guardian*, 21 February 2011, available on-line [here](#)

“До этого я работал над антитабачной кампанией под названием «Правда». Ее цель заключалась не в том, чтобы попросить людей не курить, а в том, чтобы показать им реальность.”

Alex Bogusky, Исполнительный директор



“Видео, которое Соса-Кола не хочет, чтобы вы увидели” (USA Today)

В ролике папа-медведь мучается от последствий чрезмерного употребления сладких газированных напитков, таких как набор веса, потеря зубов, диабет. Диабет приводит к ампутацию ноги и эректильной дисфункции.



Угроза судебных исков

The New York Times

Lawyers From Suits Against Big Tobacco Target Food Makers

“Дон Баррет – один из числа юристов, взявшихся за пищевые компании за то, что те вводят потребителей в заблуждение своей упаковкой и ингредиентами.”
New York Times, 12 августа 2012



James Patterson for The New York Times

“Дон Баррет судится с производителями более 20 продуктов, которые включают фруктовые соки, чипсы, газированные напитки, шоколад, консервированные томаты, питание для младенцев, чай... По мере развития дел могут быть обнаружены доказательства, как в случае с судебными исками против табачных компаний, что производители пищевой продукции знали больше о последствиях потребления своей продукции, и делали рекламу на здоровье людей. Если научные доказательства подтвердят эти факты, то усилятся и параллели с табачными кейсами.”

BBC News, Big Tobacco lawyers target food industry, 15 октября 2012



McDonald's fined in Brazil for pushing Happy Meals to children

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By Brad Haynes
SAO PAULO, April 22 | Mon Apr 22, 2013 7:21pm EDT

(Reuters) - A consumer protection agency in Brazil has taken aim at the Happy Meal, fining [McDonald's Corp](#) on Monday [for targeting children with its advertising and toys](#).

The Procon agency in the state of Sao Paulo fined the fast-food company 3.2 million reais (\$1.6 million), adding fuel to a global debate about fast food and public health.

As with the case in Brazil, Latin America's biggest economy, much of the debate centers on how McDonald's and other fast-food companies market to children and other young consumers.

While the initial fine may have little impact on the world's largest restaurant chain, the agency said additional citations for similar advertising could arise, more than doubling the cost to McDonald's. [Consumer agencies in other jurisdictions could also soon follow](#) the precedent in Brazil's most populous state.

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Related News

[McDonald's sees no restaurant rebound in April](#)
Fri, Apr 19 2013

[New York fast-food workers turn up heat on pay demands](#)
Thu, Apr 4 2013

[Restaurant meals for kids fail nutrition test: consumer group](#)

“Штрафы [в отношении McDonald's] на быстро растущем бразильском рынке – недавнее доказательство агрессивной тактики местных законодателей. В последние месяцы бразильские ведомства штрафовали банки, мобильные компании и др. на благо защиты потребителей.”



PROTECTING CHILDREN FROM UNHEALTHY FOOD MARKETING

A British Heart Foundation and Children's Food Campaign proposal for a statutory system to regulate non-broadcast food marketing to children

 www.childrensfoodcampaign.org.uk
Children's Food Campaign


British Heart Foundation

«Отчет предлагает введение регулирования, основанного на принципе, когда физические лица и организации не должны продвигать нездоровую пищу в рекламе, направленной на лиц, не достигших 16 лет. Это должно быть закреплено законодательно, а не оставаться на уровне индустриального саморегулирования.»



A FRAMEWORK FOR IMPLEMENTING THE SET OF RECOMMENDATIONS on the marketing of foods and non-alcoholic beverages to children



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Taiwan to ban junk food ads on children's TV

Thursday 28 January 2010

Taiwan aims to become one of the first societies in the world to ban junk food adverts in children's TV programmes in a bid to cut obesity rates, an official said Thursday.

The authorities are drafting a bill to ban such commercials as well as images of smoking in children's programmes, following the lead of Britain and South Korea, said an official at the Bureau of Health Promotion.

The bill will also introduce the world's first tax on food deemed unhealthy, such as sugary drinks, candy, cakes, fast food and alcohol.

The Apple Daily said the bill is expected to be submitted to parliament for approval later this year and could take effect around 2011.

Taiwan would be the first government in the world to impose a junk food tax. If the bill is passed, according to the Jun Tzeng Foundation, a local health advocacy group.

Overweight problems are getting worse in Taiwan, with 25 to 30 percent of children obese or overweight, according to data from the foundation.

www.bbc.co.uk/1/health/2010/01/100128_taiwan_junk_food_tv.shtml

Ограничение товарных знаков на упаковке – графические предупреждения для алкоголя (Таиланд)



"Drinking alcohol causes the hypertension liver cirrhosis"



"Drinking alcohol leads to sexual impotency"



"Drinking alcohol leads to adverse health effect and family problems"



"Drinking alcohol is a bad role model for children and young people"



"Drinking alcohol leads to unconsciousness and even death"



"Drunk driving causes disability or death"



Ограничение товарных знаков на упаковке – графические предупреждения для алкоголя (Великобритания)

theguardian

Врачи настаивают: упаковка алкогольной продукции должна содержать графические предупреждения о вреде потребления алкогольной продукции

Cigarette-style images would help public understand excessive drinking's link to diseases and violence, says health body



How the warnings on bottles of alcohol could look if the UK Faculty of Public Health's proposal is taken up. Photograph: GNM imaging

Bottles of beer, wine and spirits should carry cigarette-style graphic health warnings to make clear that alcohol is linked to cancer, infertility and violence, doctors are urging.



Ограничение товарных знаков на упаковке – графические предупреждения для алкоголя (Австралия)

Herald Sun

National Wine Writer Tony
Love
Sunday Mail (SA)
February 09, 2013



A computer-generated image of how our flagship wine could be desecrated Source: adelaidenow

Wowser health warning plan will deface our great wine labels

WINE bottles will have to carry large and graphic health warnings similar to cigarette packs if proposals from public health lobbyists get the go-ahead.

With the fight against tobacco well under way, health campaigners have switched their attention to the alcohol industry, demanding more confronting images and messages to be included on both front and back labels of all alcohol products.

«Новые предупреждения – шаг в правильном направлении, но нужно идти дальше»

Vic Health executive manager Dr Bruce Bolam

range of products from beer, spirits, mixers and wine in its aim to combat public health hazards resulting from risky drinking practices.



Ограничения торговых знаков – Таможенный союз

WORLD TRADE ORGANIZATION

G/TBT/N/RUS/2
21 December 2012

(12-7060)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: <u>RUSSIAN FEDERATION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2.	Agency responsible: Federal Service for Alcohol Market Regulation. Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Eurasian economic commission Department for Technical Regulation and Accreditation Tel.: +7(495)669-24-00 Fax: +7(495)669-24-15 E-mail: info@tsouz.ru Website: http://www.tsouz.ru
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Alcoholic products
5.	Title, number of pages and language(s) of the notified document: Draft technical regulation of the Customs Union on alcoholic products safety (82 pages, in Russian).
6.	Description of content: The draft of technical regulation provides common requirements of the Custom Union to alcoholic products for ensuring free circulation of these products in the single market of the Custom Union.
7.	Objective and rationale, including the nature of urgent problems where applicable: Human health and consumer protection
8.	Relevant documents: -
9.	Proposed date of adoption: January 2013 Proposed date of entry into force: Not less than 180 days from adoption of the Technical Regulation.



Технический регламент на алкогольную продукцию Таможенного союза

Требования: черный текст на белом фоне, минимум 20% оборотной или лицевой этикетки, либо площади упаковки



“Необходимы разъяснения относительно обоснованности размера предупреждения.”

Письменный ответ ЕС, 13 марта 2013 г.



Ограничения товарных знаков – пищевая промышленность (Чили)



WORLD TRADE
ORGANIZATION

(13-0273)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.



- | | |
|----|---|
| 1. | Notifying Member: <u>CHILE</u>
If applicable, name of local government involved (Articles 3.2 and 7.2): |
| 2. | Agency responsible: <i>Ministerio de Salud</i> (Ministry of Health)
Name and address (including telephone and fax numbers, e-mail and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
<i>Ministerio de Relaciones Exteriores</i> (Ministry of Foreign Affairs) |
| 3. | Notified under Article 2.9.2 [], 2.10.1 [X], 5.6.2 [], 5.7.1 [], other: |
| 4. | Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):
Food for human consumption. |
| 5. | Title, number of pages and language(s) of the notified document: <i>Propuesta de modificación del Reglamento Sanitario de Alimentos, Decreto Supremo No. 977/96</i> (Proposed amendment to the Food Health Regulations, Supreme Decree No. 977/96) (4 pages, in Spanish). |
| 6. | Description of content: The notified proposed amendment to the Food Health Regulations (Supreme Decree No. 977/96) contains provisions on the nutritional composition of food and on food advertising, in accordance with Law No. 20.606. It seeks to inform the public of the content of the food it consumes in order to encourage it to avoid unnecessary, excessive intake, which can lead to obesity and related non-communicable diseases. |
| 7. | Objective and rationale, including the nature of urgent problems where applicable: To protect human health and inform the public of the content of the food it consumes in order to encourage it to avoid unnecessary, excessive intake, which can lead to obesity and related non-communicable diseases. |
| 8. | Relevant documents: <i>Propuesta de modificación del Reglamento Sanitario de Alimentos</i> (Proposed amendment to the Food Health Regulations). |



Требования: предупреждения должны наноситься на пищевую продукцию с повышенным содержанием соли, жира, сахара и/или калорий, занимать не менее 20% основной площади упаковки, располагаться в верхнем правом углу и занимать не менее 4 см².



“ЕС считает, что требования к предупреждению... непропорциональны”

Письменный ответ ЕС, 7 марта 2013 г.



Ограничения товарных знаков – пищевая промышленность (Канада)

Ontario docs launch assault on obesity, urging tobacco-like warnings on bad food

BY HELEN BRANSWELL, THE CANADIAN PRESS OCTOBER 23, 2012



Dr. Doug Weir, President of the Ontario Medical Association, walks past depictions of health warnings on fast foods following a news conference in Toronto on Tuesday October 23, 2012. Ontario's doctors have called for the introduction of new measures to help prevent premature deaths associated with obesity, including increasing taxes on junk food. THE CANADIAN PRESS/Chris Young

TORONTO - Ontario doctors have launched an assault on obesity, saying society should aggressively fight the epidemic using the tools that have made major inroads in the battle against smoking.

The campaign calls for graphic warnings — like the ones tobacco companies must print on cigarette packages — on high-calorie, low-nutritional value foods such as sugar-sweetened soft drinks, french fries and even fruit juices.

It also calls for higher taxes on sugary or fatty foods, lower taxes on healthy foods, and restrictions on sales of junk foods in sports venues and other recreational facilities used by children and teenagers.

“Время спокойных предостережений прошло. Мы должны бороться с проблемой проверенными средствами, такими как налоговые меры и предупреждения на упаковке. Существует куча доказательств, что такие меры работают.”

Dr. Doug Weir, Президент, Медицинская Ассоциация Онтарио



Images available at: <https://www.oma.org/HealthPromotion/Obesity/Pages/default.aspx>

“Общество должно агрессивно бороться... используя инструменты, которые принесли значимые результаты в битве с курением.”

Графические предупреждения

**Повышение налогов
Ограничения продажи**



Запреты на выкладку?

«Заметное размещение в магазинах (например, на кассах) продукции с повышенным содержанием сахара, жира и соли – это *«скрытый фактор риска [для хронических заболеваний]»*.»

«Пищевая продукция, связанная с возникновением хронических заболеваний, должна быть ограничена *«местами, которые сложно найти»*»

“Размещение пищевой продукции в видимых местах повышает уровень их покупки, покупка ведет к потреблению, а потребление продукции с повышенным содержанием сахара, жира и соли повышает риск развития хронических заболеваний. ... выкладка такой продукции должна рассматриваться как фактор риска для возникновения таких заболеваний... необходимо предпринять меры, чтобы снизить этот риск.”



Cohen, D., and Babey, S., *Candy at the Cash register – A Risk Factor for Obesity and Chronic Disease*, New England Journal of Medicine, 367:15, October 11, 2012.



Унифицированная упаковка для алкогольной продукции (Великобритания)

Следуя правительственной стратегии по алкоголю, Комитет по здравоохранению будет оценивать предложения Правительства и будет смотреть на такие меры, как:



“Унифицированная упаковка и запрет маркетинга.”

Источник: Commons Select Health Committee – terms of proposal and call for evidence, 26 марта 2012



Унифицированная упаковка – игровые автоматы? (Австралия)



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CALL FOR POKIES 'PLAIN PACKAGING': As Gambling Social and Economic Impact Study Confirms Problem Gamblers Focus on Pokies



Kim Booth MP
Greens Gaming spokesperson

The Tasmanian Greens today called for the Treasurer to undertake to investigate the implementation of 'plain packaging' for poker machine venues, which is being introduced by the Baillieu government in Victoria.

Greens Gaming spokesperson Kim Booth MP said that this reform would assist in breaking the visual lure of positive promotional images used to entice people to keep playing the pokies, just as a similar strategy was developed to counter cigarette addiction.

Mr Booth also acknowledged the release of the State's second *Social and Economic Impact Study of Gambling in Tasmania*, conducted by the Allen Consulting Group, saying it confirmed that there was much work to be done to continue to tackle problem gambling and its impact on the community.

"The latest Treasury figures showed Tasmanians lost \$212,463,531 to poker machines in 2011, with the statistics indicating that Tasmanians lose between \$16 million to \$18 million per month, and stand to lose more than a billion dollars before Federal Labor's promised reforms are scheduled to take effect in late 2016," Mr Booth said.

"There is clearly merit in adopting similar prevention measures as being implemented in Victoria including the pokies plain packaging approach."

"This will see a ban on the display of dollar signs, gold coins and treasure-chest symbols, and is based on the plain packaging principles being utilised to tackle cigarette addiction."

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Punters lose Vegas-style razzle dazzle as Baillieu makes a swoop on pokies glitz

Ashley Gardiner | Herald Sun | March 08, 2012 12:00AM

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PUBS AND CLUBS HAVE A YEAR TO COMPLY WITH CHANGES BROUGHT ON BY THE IMMINENT DEPARTURE OF TATTS AND TABCORP AS POKIES OPERATORS. HWT IMAGE LIBRARY

THE Baillieu Government has ordered pubs and clubs to install "plain packaging" betting signs in a bid to curb pokies losses.

“Эта реформа поможет сломать визуальную привлекательность и разрушить позитивный имидж, используемый для удержания людей в игре в автоматы, данная стратегия схожа с той, что используется для борьбы с табачной зависимостью.”



Унифицированная упаковка для заменителей грудного молока? (Филиппины)



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY
2/F Building 1, San Lazaro Compound, Rizal Avenue, Sta. Cruz, 1003 Manila
Trunk Line 743-83-01 Direct Line: 711-9501; Fax: 743-1829; 743-1829; 743-1786
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17 December 2007

DEPARTMENT CIRCULAR
No. 2007- 0276

TO : ALL MILK COMPANIES AND OTHERS CONCERNED

SUBJECT: Guidelines for the Labeling of breastmilk substitutes, infant formula, other milk products, foods and beverages, and other related products within the scope of E.O. 51, otherwise known as the "Milk Code."

I. Rationale

It is a common knowledge that the two leading causes of infant mortality-diarrheal diseases and malnutrition- are often rooted in improper and artificial feeding practices. Only 33.50 percent of infants less than 6 months old are exclusively breastfed but exclusive breastfeeding is very low for 4-5 months at 16 percent. The median duration of exclusive breastfeeding in the Philippines is very short for only less than a month. The decline of breastfeeding, compounded by inappropriate complementary feeding

"Агентство здравоохранения ... отказал в регистрации некоторых видов продукции ... по причине того, что упаковка этих продуктов содержит торговые марки, которые «подрывают грудное вскармливание»."

Может ли Агентство здравоохранения «запретить молочным компаниям использовать зарегистрированные ими торговые марки»?

"Мы отвечаем на ваш запрос положительно."

Департамент правосудия, Филиппины



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

LNL-O-11R2-481

11 May 2012

Usec. Gerardo V. Bayugo, MD, MPH, CESO III
Department of Health
Building 1, San Lazaro Compound, Rizal Ave.
Sta. Cruz, 1003 Manila

Dear Undersecretary Bayugo:

This has reference to your request for opinion on whether or not the Department of Health (DOH) can, in the course of implementation of Executive Order (E.O.) No. 51 and its implementing rules and regulations, prohibit milk companies from using their intellectual property-registered trademarks.

- LALU
- TCI

Чем это все закончится?

