

By Dr. Fred Jordan

Cigarette Packaging: PLAIN AS DAY

What does the EC's new Tobacco Products Directive mean for manufacturers?

On April 3, 2014, the European Commission published an updated version of the Tobacco Products Directive (2014/40/EU), effectively repealing 2001/37/EC. The newly adopted directive covers ingredients, labeling and packaging, including traceability and security features, cross-border distance sales, e-cigarettes, and herbal products for smoking. The overall purpose of the revision is to standardize the appearance of all tobacco packs in order to reduce the number of youth smokers, improve public health and curb or eliminate the trade of fake cigarettes.

To that end, the directive introduces a number of technical specifications for the “layout, design and shape of tobacco packaging.” These provisions require that each unit packet and any outside packaging carry a specific health warning combined with a color photograph, which must cover 65 percent of both front and back sides of the packaging. In addition, tobacco packaging can no longer include elements or features that promote tobacco products or their consumption. Lastly, each packet must be made of carton or other soft material and have a cuboid shape.

For traceability purposes, the directive furthermore mandates that Member States add a “unique identifier” to each unit packet. This marking will allow

Member States, manufacturers, and any person involved in the supply chain of tobacco products to track and accurately record the current and past locations of the tobacco products sold on the European Union market.

Finally, to combat the trade of illicit tobacco the directive requires that all unit packets of tobacco products carry a “tamper-proof security feature, composed of visible and invisible elements.” The purpose of the security feature is to “facilitate the verification of whether or not tobacco products are authentic.”

While the European Union hopes that these requirements will improve overall public health and reduce the number of fake cigarettes, it is fair to say that manufacturers of tobacco products are left with very little leeway in terms of packaging design and branding (e.g. colors, imagery, corporate logos and trademarks). In addition, they have extremely limited packaging surface to include the unique identifier and security feature imposed by the directive, or any other element required by national legislation (e.g. tax stamps, national identification marks, price marks).

While design specifications and traceability measures would be difficult to change or manipulate, the choice of security feature is broader.

Indeed, because the security feature may include both visible and invisible elements, it would therefore seem to be in the manufacturers’ best interest to select an invisible one that would not only comply with the directive but also increase the amount of design and branding surface.

Very few large-scale, covert security features are deployed in the tobacco industry today. Some use microscopic particles (taggants), some invisible inks (digital tax stamps), and others the varnish coating (Cryptoglyph). This last process adds a pseudo-random pattern of invisible micro-holes (60 microns) into the standard varnish layer. Non-intrusive and totally invisible, these micro-holes cover the entire surface of the packaging without changing its design. Unlike most covert anti-counterfeit technologies available on the market today, this invisible security feature can be detected by a smartphone. This solution is therefore an encouraging first step in achieving compliance with the Tobacco Products Directive.

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