

[REDACTED]

From: [REDACTED]
Sent: 05 May 2016 09:16
To: [REDACTED]
Subject: FW: Heat not burn tobacco ads

From: [REDACTED]
Sent: 06 January 2016 11:56
To: [REDACTED]
Subject: FW: Heat not burn tobacco ads

Dear colleagues

Just for information – I have some concerns that heat not burn products could provide an advertising loophole (not being covered by TPD provisions on e-cigarette advertising and their inclusion under TAPA is yet to be tested), so am seeking further clarification from Dept of Health on this issue. This ad does not come from a tobacco company, and as far as I can tell this is not yet a widespread issue, but I can well imagine the tobacco industry claiming that such novel tobacco products are not covered under the TAPA definition of 'smoked, sniffed, sucked or chewed.'

Let me know if you want to stay in the loop on the outcome of this request?

Best wishes

[REDACTED]

From: [REDACTED]
Sent: 06 January 2016 11:47
To: [REDACTED]
Cc: [REDACTED]
Subject: Heat not burn tobacco ads

Dear [REDACTED]

I hope this finds you well, and wish you all the best for 2016.

[REDACTED] and I recently discussed the novel tobacco products which are defined as 'heat not burn' products. I was concerned that these were not covered under the TPD e-cigarette provisions and might not be covered under TAPA which was written before such technology existed. TAPA has the following definition:

Tobacco Advertising and Promotions Act 2002.

1 Meaning of "tobacco advertisement" and "tobacco product"

In this Act—

"tobacco advertisement" means an advertisement—

- (a) whose purpose is to promote a tobacco product, or
- (b) whose effect is to do so, and

"tobacco product" means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed.

[REDACTED] and I are both of the view that these products should be covered by and dealt with under TAPA.

Accordingly as I believe DoH holds overall responsibility for instances of UK internet tobacco advertising, may I raise with you the example of internet advertising for PAX



(From the New Statesman site)

PAX is the company that used to produce Ploom, which was part-owned by JTI. That ownership ended in February this year when JTI purchased rights to Ploom from PAX Labs, who now independently make heated tobacco products under the PAX name (as well as a range under the JUUL name).

The ads in question lead to a UK focused page with prices in pounds:

PAX 2

CUSTOMER CARE MY ACCOU

Your Cart

Products	Price	Quantity
 PAX 2 Gold Limited Edition	£199.00	1

This would appear to be a breach of the Tobacco Advertising and Promotions Act 2002 and I'd be grateful if you could advise further what can be done to enforce TAPA provisions and to send a strong message that these products are actually covered and should not be being advertised here in the UK?

Thank you for your attention in this matter, and I look forward to hearing from you

Kind regards

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 21 April 2016 13:12
To: [REDACTED]
Subject: F-W: 10 years event

From: [REDACTED]
Sent: 13 January 2016 16:46
To: [REDACTED]
Subject: RE: 10 years event

So far we are planning a reception in Parliament (from memory 6-8pm) on 23 March. Stewart Maxwell has undertaken to approach the FM or Cab Sec to speak but we have not heard.

Beyond that, no decisions

What are you planning?

I see we have a catch up 28 Jan but if useful to speak sooner do let me know and we can schedule a quick call? From my perspective there are a couple of things it would be useful to catch up on eg petitions committee

Best wishes

[REDACTED]

[REDACTED]

Chief Executive

ASH Scotland
8 Frederick Street
Edinburgh, EH2 2HB

Telephone: 0131 220 9487
Tel: 0131 225 4725
Fax: 0131 225 4759
Web: <http://www.ashscotland.org.uk>

ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.



Help the next generation grow up tobacco-free.

Action on Smoking & Health (Scotland) (ASH Scotland) is a registered Scottish charity (SC 010412) and a company limited by guarantee (Scottish company no 141711).

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From: [REDACTED]
Sent: 13 January 2016 16:43
To: [REDACTED]
Subject: 10 years event

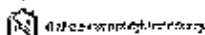
Hi [REDACTED] can you remind of your plans to mark 10 years of the smoking ban?

Best wishes

[REDACTED]

[REDACTED]
Tobacco Control Team Leader | Health Improvement and Equality Division | Population Health Improvement Directorate | Scottish Government | 0131-244-2576 [REDACTED]

For your kids sake, don't smoke indoors.
Take it Right Outside



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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoiladh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu chòir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdairreachd sam bith bho Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bhòil an siostam aq obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.

[REDACTED]

From: [REDACTED]
Sent: 28 April 2016 11:57
To: [REDACTED]
Subject: FW: French legal judgements

Categories: Purple Category

Regards,

[REDACTED]

Acting Head of Health Improvement | Population Health Improvement Directorate | Scottish Government | 3 East St
Andrews House, Regent Road, Edinburgh EH1 3DG | 0131 244 2174

From: [REDACTED]
Sent: 26 January 2016 11:18
To: [REDACTED]
Subject: RE: French legal judgements

An enjoyable read!

Regards,

[REDACTED]

Acting Head of Health Improvement and Equality | Population Health Improvement Directorate | Scottish
Government | 3 East St Andrews House, Regent Road, Edinburgh EH1 3DG | 0131 244 2174

From: [REDACTED]
Sent: 25 January 2016 14:00
To: [REDACTED]
Subject: French legal judgements

For information, in case these are relevant within the UK/Scottish context

Best wishes

[REDACTED]

Dear All,

Thank you very much for your kind comments.

For those who want to understand the legal motivation of the French *Conseil constitutionnel*, some explanations :

The *Conseil constitutionnel* Decision No 2015-727 DC of 21 January 2016 concerns a large number of health-related topics.

On Tobacco, three provisions were challenged by the applicants and have been declared in full accordance with the Constitution:

1. The ban on the sale, distribution or supply free of charge of cigarettes and rolling tobacco containing flavorings or containing any technical device modifying the odor, taste or burning intensity, or comprising certain additives. The entry into force of this ban is foreseen in principle on May 20, 2016.

There is an exception for tobacco products containing a clearly identifiable aroma, and if their volume of sales represents, within the EU, as of May 20, 2016, at least 3% of a particular class of tobacco products. In this case the entry into force is postponed to May 20, 2020.

The applicants argued that the date of entry into force in principle was contrary to EU Directive 2014/40 / EU that the law had to transpose on this point.

The *Conseil constitutionnel* recalls its classic jurisprudence : it does not recognize its jurisdiction to review a law transposing a EU directive, transposition being a constitutional requirement after Article 88 -1 of the Constitution that entrenches the participation of France to the European Union unless the law was contrary to a principle inherent in the constitutional identity of France or if the law was manifestly incompatible with the Directive it is intended to transpose.

In this case, the *Conseil constitutionnel* decided that the dispositions of the law are clearly not incompatible with the Directive that the law is intended to transpose.

Therefore, the Constitutional Council declared the ban on this topic to be constitutional.

2. The prohibition of advertising of tobacco products extended to posters placed inside tobacconists shops.

The applicants claimed that the advertising ban inside tobacco shops violated freedom of enterprise of tobacconists.

The *Conseil constitutionnel* recalls that free enterprise is a constitutional right because it stems from freedom in general which is enshrined in Article 4 of the Declaration of Human and Civic Rights of 26 August 1789. It reaffirms its constant jurisprudence in this area: the entrepreneurial freedom may experience limitations to constitutional requirements or justified by the general interest, provided it does not result in abuses disproportionate to the objective pursued.

In this case, it states that, by that prohibition, the legislature intended to prevent non-smokers' exposition to advertising that may encourage them to tobacco consumption, this prohibition is justified by the concern to protect Health that is a constitutional requirement. In addition, it notes that production, distribution, sale of tobacco and tobacco products, any more than other products sold by tobacconists, are not affected by this ban.

Therefore, he believes that the ban, in the name of health protection, does not manifestly disproportionate infringement on free enterprise, and declared to be constitutional ban.

3. Neutralization and standardization of unit, external packaging and wrappers cigarettes and rolling tobacco, cigarette paper and cigarette rolling paper.

The applicants have used every possible argument to defeat plain packaging.

They used, first, two purely procedural arguments which were rejected by the *Conseil constitutionnel*.

The heart of the applicants' argument was based on an alleged violation of property law preventing any use of the mark, as well as on achieving deemed disproportionate to free enterprise which is neither justified nor proportionate to the public health protection objective.

As for property rights, the *Conseil constitutionnel* recalls that it is a constitutionally guaranteed right, proclaimed in Articles 2 and 17 of the 1789 Declaration, and its jurisprudence admitted the Trademark Law was part of that problematic. The *Conseil constitutionnel* added that the violations of this right must be justified on grounds of public interest and proportionate to the objective pursued.

In this context, the *Conseil constitutionnel* notes that the law does not prohibit the registration of the mark on the products, enabling the identification by the buyer; the trademark owner retains the right to use it, even if this

possibility is framed; it also remains protected against the use or misuse of its mark by third parties. It inferred from this set of elements that the plain packaging does not constitute a deprivation of property rights.

In addition, it recalled that the tobacco damages health, the legislature has intended to deprive tobacco products advertised inciting consumption, continuing a health protection objective.

In addition, he noted that the plain packaging does not prohibit the production or distribution, or sale of tobacco and tobacco products.

Therefore, the Constitutional Council considers that there is no clearly disproportionate interference with property rights and free enterprise.

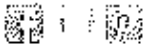
Neutralization and standardization of unit, external packaging and wrappers cigarettes and rolling tobacco, cigarette paper and cigarette rolling paper, is perfectly consistent with the Constitution.

Best regards,

[Redacted] | Responsable des Relations institutionnelles DNF
Tél. : + 33 (0)6 15 39 26 76 | Courriel [Redacted]



Les Droits des Non-Fumeurs
13 rue d'Azés 75002 Paris
www.dnf.asso.fr



[Redacted]
Chief Executive

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ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.



ASH Scotland manifesto for the 2016 Scottish Parliament elections



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[REDACTED]

From: [REDACTED]
Sent: 28 April 2016 11:38
To: [REDACTED]
Subject: FW: tobacco industry part of problem, not solution

Categories: Purple Category

Regards,

[REDACTED]

Acting Head of Health Improvement | Population Health Improvement Directorate | Scottish Government | 3 East St
Andrews House, Regent Road, Edinburgh EH1 3DG | 0131 244 2174

From: [REDACTED]
Sent: 24 February 2016 09:28
To: [REDACTED]
Subject: RE: tobacco industry part of problem, not solution

A good piece.

Regards,

[REDACTED]

Acting Head of Health Improvement and Equality | Population Health Improvement Directorate | Scottish
Government | 3 East St Andrews House, Regent Road, Edinburgh EH1 3DG | 0131 244 2174

From: [REDACTED]
Sent: 24 February 2016 09:25
To: [REDACTED]
Subject: tobacco industry part of problem, not solution

Reply from WHO FCTC Secretariat to an opinion piece from Philip Morris International in the EU observer.

Best,

[REDACTED]

A REMARKABLE OPINION PIECE FROM VERA COSTA E SILVA IN THE EU OBSERVER TODAY

<https://euobserver.com/opinion/132402>

best wishes

OPINION

EU tobacco control policy must separate foxes from chickens



World Health Organization documents "are crystal clear that the tobacco industry is part of the problem". (Photo: Moody Kell)

By VERA LUIZA DA COSTA E SILVA
GENEVA, TODAY, 15:28

Imagine you are a farmer and that your chickens are disappearing. Imagine that you are approached by a fox, who offers help including a hi-tech tracking system so that you can trace the chickens and find out who is stealing them. After all, he says, this is an issue that unites foxes and farmers.

Do you accept this, or do you reflect that foxes are known to have a taste for chicken? Is it wise to put a fox in charge of a hen house?

Last week, EUobserver carried a piece by Alvise Giustiniani, who heads Philip Morris International's (PMI) anti-illicit trade department.

The article contained a number of extraordinary statements, for example the suggestion that the tobacco industry shares a "common agreement" on the Framework Convention on Tobacco

Control's (FCTC) Anti-Illicit Trade Protocol to eliminate illicit trade in tobacco products. The Protocol "contains many of the measures" that feature in a PMI agreement with the European Union (EU), and "shares our commitment to tackle this problem in every part of the world," the company said.

Let's pause for a moment and establish a couple of facts.

Fact 1: The tobacco industry is behind a concerted worldwide effort to prevent countries and organisations joining the Protocol.

Fact 2: PMI's "commitment" is the result of legal action by the EU in 2004 which detailed the tobacco industry's involvement in the illicit trade. As a consequence, PMI has since paid about \$1.25 billion to the EU. This is not an act of charity, it's a legal settlement.

Fact 3: Both the FCTC and its Protocol are crystal clear that the tobacco industry is part of the problem, not part of the solution. What we share is a battlefield – with the industry on one side and the Convention on the other. Article 8.12 of the Protocol states that "obligations assigned to a party shall not be performed by or delegated to the tobacco industry". And Article 5.3 of the Convention states that "parties shall act to protect these policies from commercial and other vested interests of the tobacco industry".

PMI's black box

It's easy to understand why the tobacco industry hopes to muddy the waters. Its 2004 agreement with the EU is ending and it's desperate for a renewal. It seeks to argue that the PMI-EU agreement is in accordance with the EU's treaty obligations as a party to the FCTC.

But the two really aren't the same and – let's be clear about this – the EU risks a breach of its treaty obligations if it renews.

Such a settlement also has detrimental international implications. It is well known that the tobacco industry uses it as an example and argument to promote other agreements around the world. Since the EU settlement, more than 100 parties to the Convention have engaged in voluntary agreements with the industry, seriously compromising the entering into force of the Protocol.

There is another important issue – the tracking-and-tracing systems required by the Protocol and by regulations including the EU's Tobacco Products Directive.

The current PMI-EU anti-illicit trade agreement uses a system invented by PMI called Codentify, which is the tobacco industry's supply chain control system. While PMI claims that Codentify can track and trace tobacco products, and in turn reduce illicit trade and counterfeiting, the technology is more accurately described as merely a code generator system, which offers no effective tracking and tracing services of contraband tobacco products.

There are other major problems with Codentify. It's essentially a "black box" that is protected by a tobacco industry patent. We don't know what's inside, but we do know that it's managed and controlled by the tobacco industry.

This industry solution does not meet the requirements of Article 8.12 of the Protocol and it should be rejected.

So too should a multitude of measures proposed by the tobacco industry. The 180 Parties that have ratified the FCTC did so in order to end tobacco usage and should be alert to the industry's often-underhand behaviour.

Invitations from tobacco industry front organisations should be refused and so-called memorandums of understanding with the industry should be rejected. These are simply designed to ensure that countries do not become parties to the Protocol.

The tobacco industry likes to portray itself as a responsible party, on a par with governments or non-governmental organisations in tobacco-control policy. It suggests that we're all in it together, but we're not all in it together.

Farmers and foxes have different interests.

Dr Vera Luiza da Costa e Silva is Head of Secretariat at the World Health Organization's Framework Convention on Tobacco Control


Chief Executive

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[REDACTED]

From: [REDACTED]
Sent: 27 April 2016 14:46
To: [REDACTED]
Subject: FW: Reception to Mark 10th Anniversary of Smoking Ban

Categories: Purple Category

[REDACTED]

From: [REDACTED]
Sent: 10 March 2016 10:50
To: [REDACTED]
Subject: RE: Reception to Mark 10th Anniversary of Smoking Ban

Thanks [REDACTED] - Could you do me a favour and establish who will meet the Cabinet Secretary on arrival at approx. 4.30pm. I have currently drafted that [REDACTED] and [REDACTED] will meet her outside the Committee Room but I am not sure if that is accurate. I will be there to meet as official support to the Cab Sec.

[REDACTED]

**The Scottish Government
Tobacco Control Team
Health Improvement & Equality Division
Area 3 E
St Andrew's House
EDINBURGH
EH1 3DG**

From: [REDACTED]
Sent: 10 March 2016 10:43
To: [REDACTED]
Subject: RE: Reception to Mark 10th Anniversary of Smoking Ban

Many thanks [REDACTED]

We will be sending a confirmation email out closer to the date of the event, with full details/ instructions.

Kind regards.

[REDACTED]

From: [REDACTED]
Sent: 10 March 2016 10:12
To: [REDACTED]
Subject: Reception to Mark 10th Anniversary of Smoking Ban

[REDACTED] delighted to attend and I confirm that I have no dietary requirements.

[REDACTED]
The Scottish Government
Tobacco Control Team
Health Improvement & Equality Division
Area 3 E
St Andrew's House
EDINBURGH
EH1 3DG

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Rìghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Rìghaltas na h-Alba.

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[REDACTED]

From: [REDACTED]
Sent: 27 April 2016 14:45
To: [REDACTED]
Subject: FW: Celebrating 10 years of smoke free indoor public places: Parliamentary Reception: 23rd March 2016, 4pm to 6pm: Hosted by Stewart Maxwell MSP

Categories: Purple Category

[REDACTED]

From: [REDACTED]
Sent: 10 March 2016 12:22
To: [REDACTED]
Subject: RE: Celebrating 10 years of smoke-free indoor public places: Parliamentary Reception: 23rd March 2016, 4pm to 6pm: Hosted by Stewart Maxwell MSP

Me too! ☺

From: [REDACTED]
Sent: 10 March 2016 12:12
To: [REDACTED]
Subject: RE: Celebrating 10 years of smoke-free indoor public places: Parliamentary Reception: 23rd March 2016, 4pm to 6pm: Hosted by Stewart Maxwell MSP

Thanks [REDACTED] looking forward to the celebration.

[REDACTED]
The Scottish Government
Tobacco Control Team
Health Improvement & Equality Division
Area 3 E
St Andrew's House
EDINBURGH
EH1 3DG

From: [REDACTED]
Sent: 10 March 2016 11:56
To: [REDACTED]
Subject: Celebrating 10 years of smoke-free indoor public places: Parliamentary Reception: 23rd March 2016, 4pm to 6pm: Hosted by Stewart Maxwell MSP

Dear [REDACTED]

Please find appended the invitation list for the event, the timing of which is now confirmed as 4-6pm. We will have an acceptance list 16th March.

We understand that Stewart Maxwell's office is liaising with Shona Robison's office and that although she has another event at St Andrew's House, they are confident she will be able to attend and speak. Lord McConnell thought he should be able to make the earlier time too.

Stewart Maxwell and I will meet the Cabinet Secretary on arrival.

We are aiming for registration from 3.30, speakers 4.30, informal reception/refreshments 5-6pm. ASH Scotland is producing a resource to give to those attending (a two sided poster with the history and a look forward, rolled in a tube so as to look like a cigarette!). In the initial information we submitted to Parliament when booking the event we said:

The event will bring together people who contributed to creating effective and world-leading smoke free legislation, and those who will build on this achievement towards the Government's 2020 target for halving children's exposure to SHS. Audience to include elected representatives and health professionals and NGOs – for example the SCOT coalition members.

The overall tone is to celebrate the achievement of smoke-free enclosed public places while also acknowledging 'job not done' and looking ahead to further progress. ASHS will also highlight that the doom-laden predictions of those opposing legislation were not fulfilled.

My understanding is that WHO intends to write a letter to the Cabinet Secretary to congratulate Scotland on our 10 year anniversary.

I hope that answers your questions and gives you enough to go on – please get in touch if you need more

Kind regards

[Redacted]

[Redacted]

Chief Executive

ASH Scotland
8 Frederick Street
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Fax: 0131 225 4759

Web: <http://www.ashscotland.org.uk>

ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.



ASH Scotland manifesto for the 2016 Scottish Parliament elections



[Redacted]

From: [Redacted]
Sent: 26 April 2016 15:16
To: [Redacted]
Subject: FW: NNA Event in Scottish Parliament - 9 March 2016 [SEC=OFFICIAL]

Categories: Purple Category

[Redacted]
National Tobacco Control Advisor | Health Improvement and Equality & Health Protection Divisions
| Population Health Improvement Directorate | Scottish Government | 3 East St Andrews House,
Regent Road, Edinburgh EH1 3DG | 0131 244 1973 | 07813637008 |

[Redacted]

From: [Redacted]
Sent: 11 March 2016 11:57
To: [Redacted]
Subject: RE: NNA Event in Scottish Parliament - 9 March 2016 [SEC=OFFICIAL]

Hello,

Just to say that the discussion at the event was dominated by the NNA concerns over the upcoming Tobacco Products Directive and how they feel it will limit the vaping products available. No mention of prisons

Best wishes

[Redacted]

[Redacted]

Deputy Chief Executive
ASH Scotland
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Web: <http://www.ashscotland.org.uk>

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ASH Scotland manifesto for the 2016 Scottish Parliament elections



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From: [REDACTED]
Sent: 09 March 2016 11:38
To: [REDACTED]
Subject: FW: NNA Event in Scottish Parliament - 9 March 2016 [SEC=OFFICIAL]

Colleagues,

If anyone is registered to attend the event (attached) this evening at the Scottish Parliament, we would be grateful of any feedback.

Thanks

[REDACTED] Health and Wellbeing Project Manager | SPS HQ | Direct Dial: 0131 244 8588



Helping to build a safer Scotland - Unlocking Potential - Transforming Lives

[REDACTED]
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has been swept for the presence of computer viruses.

[REDACTED]

From: [REDACTED]
Sent: 26 April 2016 15:38
To: [REDACTED]
Subject: FW: Smoke-Free Prisons Timescales

Categories: Purple Category

[REDACTED]
National Tobacco Control Advisor | Health Improvement and Equality & Health Protection Divisions
| Population Health Improvement Directorate | Scottish Government | 3 East St Andrews House,
Regent Road, Edinburgh EH1 3DG | 0131 244 1973 | 07813637008 |
[REDACTED]

From: [REDACTED]
Sent: 14 March 2016 12:20
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Smoke-Free Prisons Timescales

Hi [REDACTED]

We would certainly say that it can be implemented within three years. This research letter on NZ's experience supports that:

"Preparation for the smokefree policy consisted of a year-long lead-in period.¹⁴ During this time, prisoners were provided with educational materials which outlined the health risks of smoking along with advice on how best to quit. After the proposed smokefree policy was announced and prior to its implementation, 2000 prisoners started nicotine replacement therapy (NRT).¹⁵"

Source: Collinson, I. et al. New Zealand's smokefree prison policy appears to be working well: one year on. New Zealand Medical Journal. 125(1357), 12 June 2012. Available from: <https://www.nzma.org.nz/journal/read-the-journal/all-issues/2010-2019/2012/vol-125-no-1357/letter-collinson>

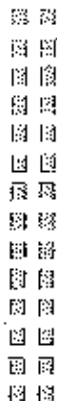
Best wishes

[REDACTED]

[REDACTED]
Deputy Chief Executive
ASH Scotland

Tel: 0131 220 9468
Fax: 0131 225 4759
Web: <http://www.ashscotland.org.uk>

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ASH Scotland manifesto for the 2016 Scottish Parliament elections



Action on Smoking & Health (Scotland) (ASH Scotland) is a registered Scottish charity (SC 010412) and a company limited by guarantee (Scottish company no 141711).

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From: [REDACTED]

Sent: 09 March 2016 11:01

To: [REDACTED]

Cc: [REDACTED]

Subject: Smoke-Free Prisons Timescales

Importance: High

Colleagues,

The office of the Cabinet Secretary for Justice have asked for further advice on timescales in relation to the Smoke-free Prisons Options paper.

Specifically, the question has been asked - would it be possible to implement within three years?

Nil returns are requested from all direct addressees, as your response will inform a decision that is likely to have a significant impact on your organisation.

Responses are requested by the close of Tuesday 15th March.

If you have been copied in a nil return is not requested although your input is welcome.

In order to provide a comprehensive response please provide feedback on behalf of the organisation or team you represent on the Tobacco Strategy Workstream:

- Please state whether implementation of smoke-free prisons within three years is considered feasible.
- If it is not considered feasible, please state reasons why and/or any dependencies that affect this.

- Please base your response on an assumption that the policy will be comprehensive smoke-free prisons i.e. smoking not permitted anywhere on the premises, indoors or outdoors.

While it may be necessary to discuss this matter with colleagues to develop your feedback, you will all be aware of the sensitive nature of these discussions, and appreciate that this e-mail is not for wider circulation.

Many thanks,

[Redacted]

[Redacted] Health and Wellbeing Policy Manager | SPS HQ | Direct Dial: 0131 244 8733



Helping to build a safer Scotland - Unlocking Potential - Transforming Lives

[Redacted]

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This email has been received from an external party and

has been swept for the presence of computer viruses.

[REDACTED]

From: [REDACTED]
Sent: 27 April 2016 14:44
To: [REDACTED]
Subject: FW: ASH Scotland materials for use in coverage of ten years of smoke-free public places
Attachments: ASH_10yr_smoke free_poster_AW.pdf
Categories: Purple Category

[REDACTED]
**The Scottish Government
Tobacco Control Team
Health Improvement & Equality Division
Area 3 E
St Andrew's House
EDINBURGH
EH1 3DG**

From: [REDACTED]
Sent: 14 March 2016 14:49
To: [REDACTED]
Subject: FW: ASH Scotland materials for use in coverage of ten years of smoke-free public places

Dear [REDACTED]

Some media advisory information we put out today due to growing interest.

The attached poster is the resource we plan to give out at the reception, it will be rolled in a clear tube so the 2034 timeline and the 11 min scale show.

Finally, we plan to use the hashtag #smokefree10years for the anniversary

Kind regards

[REDACTED]

DIARY NOTICE – TEN YEAR-ANNIVERSARY OF SMOKE-FREE PUBLIC PLACES (Saturday 26th March)

Background information, evidence review and briefing materials from ASH Scotland enclosed.

Saturday 26th March 2016 will mark ten years since the introduction of smoke-free enclosed public spaces in Scotland.

ash
scotland
Policy Action on Smoking and Health

The move to smoke-free public places has proved to be hugely popular, brought significant health benefits and changed Scottish culture. New materials from Action on Smoking and Health (ASH) Scotland, which played a key part in arguing for the change, have been produced to inform and support discussion of the anniversary.

Key points raised in the attached materials include that:

- the desired health benefits were achieved;
- the measure is popular, adhered to and self-policing;
- the dire predictions of economic damage and social unrest raised by the tobacco industry and elements of the hospitality sector did not come to pass;
- tobacco use is still far and away the largest cause of preventable illness and death in Scotland; and
- to achieve Scotland's goal of a tobacco-free generation by 2034 requires further action on tackling health inequalities, ensuring young people do not take up smoking and supporting smokers who wish to stop to do so

ASH Scotland Chief Executive, Sheila Duffy, said:

"The ban on smoking in enclosed public places was based on a firm scientific consensus that tobacco smoke is harmful to others as well as to the smoker themselves. Now images of smoke-filled bars, cafes, cinemas and offices seem a world away – belonging to the last century rather than this one. There is still a long way to go on Scotland's journey to being tobacco-free. But the success of smoke-free public places should inspire us that we can get there."

Cabinet Secretary for Health, Wellbeing and Sport, Shona Robison, said:

"I'm extremely proud that Scotland has led the way in implementing public health policies that seek to address the significant harmful effects of tobacco on people's health. The smoking ban has had a hugely positive effect on public health. However, tobacco remains the biggest cause of preventable death in Scotland, which is why we want to create a tobacco-free generation by 2034. There is much more to do to achieve this."

Rt Hon Lord McConnell of Glenscorrodale, First Minister at the time of the legislation, said:

"Scotland's ban on smoking in public places has reduced the number of smokers, cut the number of smoking related health problems and quite dramatically improved the culture of our pubs, restaurants and cafes. The legislation and the effective implementation of the new law continues to be the most significant and successful action of Scotland's Parliament since 1999. All who were involved can take pride from that."

ENDS

For further information contact ASH Scotland on enquiries@ashscotland.org.uk or 0131 225 4725


Chief Executive

ASH Scotland
8 Frederick Street
Edinburgh, EH2 2HB

Telephone: 0131 220 9487
Tel: 0131 225 4725
Fax: 0131 225 4759
Web: <http://www.ashscotland.org.uk>

ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.

It is 10 years since Scotland's indoor public spaces became smoke-free. Some things have changed beyond recognition, and yet elements of that debate still resonate today.

There are few people who support the idea of a smoke-free Scotland. The vast majority of people who support the idea of a smoke-free Scotland are smokers. It's a fact that has been true since the legislation was passed in 2006. And it's a fact that has remained true since the legislation was passed in 2006.

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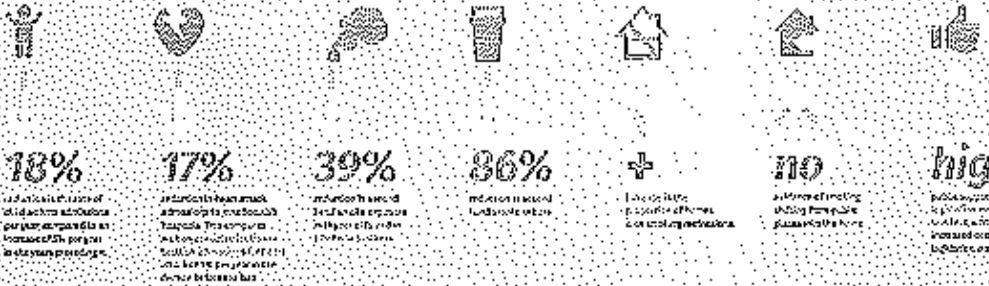
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The benefits of smoke-free public places

The smoke-free legislation is largely popular; in 2015 87% of Scottish adults (65% of smokers) were supportive and only 8% (22% of smokers) opposed it. The legislation has resulted in significant health benefits, as well as changes in behaviour and attitudes towards smoking.



Information in Scotland compiled from the 2015 Scottish Health Survey. See www.scotland.gov.uk/Health

What the opponents said before the bill was passed

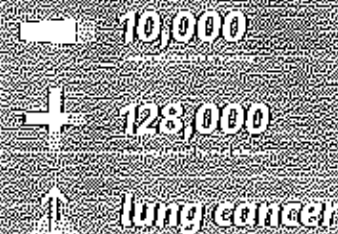
Key arguments made by opponents of the bill before it was passed in 2006. The bill was passed in 2006. The bill was passed in 2006. The bill was passed in 2006.

OPPOSITION	REPLY
<p>The bill would cost too much to implement. It would cost £100 million to implement. It would cost £100 million to implement.</p>	<p>The bill would cost too much to implement. It would cost £100 million to implement. It would cost £100 million to implement.</p>
<p>The bill would be too restrictive. It would restrict the rights of smokers. It would restrict the rights of smokers.</p>	<p>The bill would be too restrictive. It would restrict the rights of smokers. It would restrict the rights of smokers.</p>
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Time to achieve more

Leading the world in tobacco control is a challenge that we must meet. We will only do this if we have the political will to do it. We will only do this if we have the political will to do it.

It's time to make the most of the opportunities we have.



£1.1bn
The value of the tobacco industry in Scotland

We still need to tackle inequalities and poverty by tackling smoking

Smoking is a leading cause of preventable death and disease in Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

Smoking is also a leading cause of lung cancer, which is the leading cause of cancer death in Scotland. It is also a major cause of heart disease, which is the leading cause of death in Scotland.

Smoking is a leading cause of health inequalities

Smoking is a leading cause of health inequalities in Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

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Smoking is also a leading cause of heart disease, which is the leading cause of death in Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

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Smoking is also a leading cause of heart disease, which is the leading cause of death in Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

We still need to counter tobacco industry opposition to plain packaging

The tobacco industry is spending millions of pounds to oppose plain packaging. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

Plain packaging is a simple and effective way to reduce smoking. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

Plain packaging is also a major cause of lung cancer, which is the leading cause of cancer death in Scotland. It is also a major cause of heart disease, which is the leading cause of death in Scotland.

Plain packaging is also a major cause of heart disease, which is the leading cause of death in Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

We still need to ensure the next generation grows up free from tobacco

Children are growing up in a world where smoking is still a common sight. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

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Children are growing up in a world where smoking is still a common sight

- 1 in 10 children in Scotland are exposed to second-hand smoke
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- 1 in 10 children in Scotland are exposed to second-hand smoke

1/10 of children in Scotland are exposed to second-hand smoke



We still need to stop neglecting the physical health of people with mental health issues

Smoking is a leading cause of death for people with mental health issues

Smoking is a leading cause of death for people with mental health issues. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.



We still need to give preventing dementia the same importance as dementia care or cure

Preventing dementia is a key priority for Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

10%

We still need to focus e-cigarette debates on the goal of reducing tobacco use

E-cigarettes are a controversial issue. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

We still need to focus on the goal of reducing tobacco use

Reducing tobacco use is a key priority for Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

We still need to focus on the goal of reducing tobacco use

Reducing tobacco use is a key priority for Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.

We still need more smoke-free homes

Smoke-free homes are a key priority for Scotland. It is also a major cause of health inequalities, with the highest rates of smoking-related illness and death among the most disadvantaged groups in society.



ASH Scotland, 6 Forth Street, Edinburgh EH2 2AB | 0131 225 5555 | www.ashscotland.org.uk | www.scotland.org.uk

www.scotland.org.uk



Time to make a difference to your smoking

Time to go smoke-free

Every cigarette reduces life expectancy by 11 minutes

At least 10 years of smoke-free success

80% of people who quit smoking in Scotland

40% of people who quit smoking in Scotland

Scotland

[REDACTED]

From: [REDACTED]
Sent: 27 April 2016 14:43
To: [REDACTED]
Subject: FW: Robertson Trust matched funding

Categories: Purple Category

[REDACTED]

From: [REDACTED]
Sent: 22 March 2016 14:25
To: [REDACTED]
Subject: RE: Robertson Trust matched funding

[REDACTED]

I intend to issue a further grant offer early in the new Financial year (£16,000)

[REDACTED]

**The Scottish Government
Tobacco Control Team
Health Improvement & Equality Division
Area 3 E
St Andrew's House
EDINBURGH
EH1 3DG**

From: [REDACTED]
Sent: 17 March 2016 13:25
To: [REDACTED]
Subject: Robertson Trust matched funding

Dear [REDACTED]

Would it be possible to have a confirmation letter of the Scottish Government's intended matched funding for 2016-17 the smoke-free training, which is matched by a Robertson Trust grant? Please let me know if you need anything further from us

Kind regards

[REDACTED]

[REDACTED]

Chief Executive

[REDACTED]

From: [REDACTED]
Sent: 26 April 2016 15:12
To: [REDACTED]
Subject: FW: proposed smoking in vehicles advert

Categories: Purple Category

[REDACTED]
National Tobacco Control Advisor | Health Improvement and Equality & Health Protection Divisions
| Population Health Improvement Directorate | Scottish Government | 3 East St Andrews House,
Regent Road, Edinburgh EH1 3DG | 0131 244 1973 | 07813637008 |
[REDACTED]

From: [REDACTED]
Sent: 11 April 2016 15:48
To: [REDACTED]
Cc: [REDACTED]
Subject: proposed smoking in vehicles advert

Dear Colleagues,

As you know [REDACTED] has been asking a few contacts for thoughts on the proposed tv advert for the new smoking in vehicles law. My apologies for the delay in replying but I've been on holiday and [REDACTED] has been, and still is, off with flu.

If I can add an ASH Scotland perspective to this, we have long and bitter experience of messaging we have intended to be clear and helpful being misconstrued, or deliberately misrepresented, as being bossy, controlling or negative. I would be concerned about use of the proposed wording in that it gives smokers a narrative where they used to have a choice but that this is now being taken away from them. We have had very strong feedback, for example in the work we are conducting with mental health services, that smokers not only resent being told what to do (unavoidable in this case) but particularly where there is the perception of having something taken away from them. We have had much better engagement when we focus on what is being provided by an action (better health, reduced harm to others.....) rather than that which is being taken away (the perceived "right" to smoke where and when they want).

I appreciate the very strict limits that expenditure places on the length of the advert. In the following would it not be possible to replace the first line with a simple "Smoking in a car causes harm to others, particularly children"? The second line then gives the rest of the story.

As background, our wider effort is to argue against smoking being considered a lifestyle choice because it very rarely is – see <http://www.scotsman.com/news/how-can-smoking-be-a-lifestyle-choice-when-most-want-to-stop-1-4091560>. This advert as currently phrased doesn't sit easily with that.

Best wishes
[REDACTED]

FVO: Smoking with your kids in the car has always been your choice. Until now.

The diagonal line of the girl's seatbelt visually dissolves into the diagonal line of the Smokofree Cars icon on a white screen.

FVO: From the 1st of October, smoke in a vehicle with anyone under 18 and you're breaking the law.

[REDACTED]
Deputy Chief Executive
ASH Scotland

Tel: 0131 220 9468

Fax: 0131 225 4759

Web: <http://www.ashscotland.org.uk>

ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.

0131 220 9468
0131 225 4759
www.ashscotland.org.uk

ASH Scotland manifesto for the 2016 Scottish Parliament elections



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[REDACTED]
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.....
This email has been received from an external party and

has been swept for the presence of computer viruses.
.....

[REDACTED]

From: [REDACTED]
Sent: 22 August 2017 14:29
To: [REDACTED]
Subject: FW: SG reporting

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: FOI

For FOI

[REDACTED]
The Scottish Government
Tobacco Control Team
Health Improvement Division
Area 3 E St Andrew's House
EDINBURGH
EH1 3DG

From: [REDACTED]
Sent: 12 July 2016 15:30
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: SG reporting

[REDACTED]

Thanks for sight of this. I've had a good look through it and looked back at the 2015-18 funding application which set out the strategic and high-level outcomes underlying this.

I think you have a very good set of operational outcomes here and a good variety of outcome indicators. The latter are always going to be challenging with quite a lot of the outcomes being qualitative. I note the clear move being made towards promoting a tobacco-free culture (other than perhaps for operational outcome 9). I've got one or two questions on the outcomes, just in terms of unpacking what lies behind some of the numbers set out (e.g. council areas and schools etc) and on timetabling for evaluations and evidence reviews. But these are just mostly for my own information.

I note there are a few outcomes where there are no areas of work planned for this year, and I'd be interested in your judgement on priorities and resources in developing this work-plan generally.

I'd certainly wish to discuss this further, as you suggest. I'd be happy to come to you if you had a particular date in mind. I'm on leave between 21 and 29 July.

[REDACTED] Tobacco Control Team | Health Improvement Division | Population Health Directorate | Scottish Government | 0131 244 5642

From: [REDACTED]
Sent: 06 July 2016 10:15
To: [REDACTED]
Cc: [REDACTED]
Subject: SG reporting

Dear [REDACTED] and [REDACTED] cc [REDACTED] and [REDACTED]

In previous years we have set up an annual meeting with the tobacco policy team (often in June) to finalise work-plans and reporting and to take a view of progress over the year past and a wider view of the year ahead. This builds on the general regular dialogue through our catch up meetings. Please find appended the format for this year's SG funded work (omitting the Robertson Trust which is reported separately), with the proposed outcome indicators filled in.

This is an extract from our main annual organisational work-plan which includes further work streams that are funded by CRUK, BHF, the Robertson Trust, Lothians Health Foundation etc.

Perhaps we can discuss this further when you have had the chance to review it?

Kind regards

[REDACTED]

[REDACTED]
Chief Executive

ASH Scotland
8 Frederick Street
Edinburgh, EH2 2HB

Telephone: 0131 220 9487
Tel: 0131 225 4725
Fax: 0131 225 4759
Web: <http://www.ashscotland.org.uk>

ASH Scotland's vision is of a healthier Scotland, free from the harm and inequality caused by tobacco.

Stop neglecting the physical health of people with mental health issues



One third of tobacco is used by people with mental health issues.

*The next national mental health strategy must commit to breaking
the link between smoking and mental health.*



Action on Smoking & Health (Scotland) (ASH Scotland) is a registered Scottish charity (SC 010412) and a company limited by guarantee (Scottish company no 141711).