

AUSTRALIA'S MOVE TO THE PLAIN PACKAGING OF CIGARETTES AND ITS WTO COMPATIBILITY*

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ABSTRACT

Tobacco companies have expressed concern that Australia's plain cigarette packaging initiative breaches international trade obligations. This article begins by providing a background to cigarette packaging. It then examines developments worldwide and in Australia that have led to this initiative, and finally examines the claim of cigarette companies that the move is incompatible with the TRIPS Agreement. It concludes that the general move towards plain packaging in Australia and elsewhere falls within the scope of permissible regulation under Article 20 of the TRIPS Agreement and that concerns about plain packaging violating the TRIPS Agreement should not prevent WTO Members from placing plain packaging firmly on the public health agenda.

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