

Plain Silly – A conversation with Dr. Michael Loh

Interviewer: Dr. Loh, why are you interested in this topic? Are you in the tobacco business?

Dr. Loh: I am an occasional pipe and cigar smoker. I do not smoke cigarettes. I am not a scientist, scholar, advocate, activist or researcher. I am just a consumer. I do not work for, consult with, own shares in or receive kickbacks, financial or otherwise, from any company or organization that would benefit from tobacco products. Every gram of tobacco I smoke in my pipe and every stick of cigar I buy, I do so at full price, without discount, using my own hard-earned cash. I have no vested interest in being emotional like Yvette van der Eijk and Chia Kee Seng from the Saw Swee Hock School of Public Health, National University of Singapore, who blight their professional image by calling cigarettes “deadly sticks” in an opinion piece they published in *The Straits Times* on February 18th 2019.

Interviewer: The Singapore Government recently announced its plan to proceed with plain tobacco packaging, following in the footsteps of Australia, France, the United Kingdom, Norway, Ireland, New Zealand, Hungary and Slovenia. This means that, as of next year, all tobacco packs sold in Singapore will be of a dull brown color with all logos, colors and branding elements removed to be replaced by nauseating picture warning labels covering 75% of the pack surface. With tobacco advertising of any form being a criminal offense here in Singapore, plain packaging is equivalent to eliminating the tobacco companies’ only marketing means. What are your views on this?

Dr. Loh: I feel the government is as usual, extremely heavy handed. It seems to think we are all stupid idiots to be trampled on like doormats. It assumes that we have no power of

discernment, that we judge a book by its cover. If so, the Bible won't be the best-selling book in the world, year after year! The Property Rights Alliance has argued that removal of brands from packaging is a gross violation of Intellectual Property rights. This is a coalition of 62 think tanks, advocacy groups and civil-society organizations. These people are not morons. Here in Singapore, stakeholders in the tobacco trade are not united enough to take on the government, so when we don't oppose the government's use of grotesque and horrifying images of gangrenous feet, dead babies and cancer-riddled lungs – what I call “medical pornography” – on plain packaging to replace the brands, aren't we allowing the government to blatantly act against the principles of Article 20 of TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights) of the WTO (World Trade Organization)?

A nation with strong Intellectual Property rights is a nation with a truly decent and righteous government. The existence of a government that respects Intellectual Property rights limits the power of officials to wield their influence and curbs them from potentially manipulating the marketplace to determine and choose who benefits and who loses. This attracts business investment because of the political certainty that Intellectual Property rights are protected. Intellectual Property rights are also important for driving innovation and progress. Plain packaging is a serious loss of value to Intellectual Property rights and a great financial loss for companies across many industries.

Interviewer: But plain packaging has worked in countries like Australia, the first country to implement it, right? Surely, the government's alleged violation of Article 20 far outweighs the benefits!

Dr. Loh: You think so? Oh, so you believe that the end justifies the means? The road to hell is paved with good intentions, isn't it? Big Daddy always know what's right for

us? Such an argument literally takes my breath away! Come on, you expect me to put that in my pipe and smoke it? Seriously, even if we can stomach that, let me ask you: Have you been living in a cave since 2012 when Australia introduced plain packaging? Has plain packaging worked in Australia? Let the facts speak for themselves:

1. Nearly 15% of tobacco consumed now in Australia is smuggled in. With plain packaging, organized crime has more than ample opportunities to undermine democratic countries and the rule of law.
2. Legal tobacco retailers cut prices – when all you have is plain packaging, the only so-called weapon you have left to compete with other retailers is price. Cheaper price means more smokers. Simple logic.
3. Legal tobacco retailers are also selling counterfeit tobacco – when all you have is plain packaging, nobody can tell a stick of Marlboro from a stick of Dunhill. This is where unscrupulous retailers take full advantage of plain packaging. In other words, plain packaging helps counterfeiters and crooked retailers become wealthier. Knowingly or unknowingly, intentionally or unintentionally, you are indirectly in cahoots with some very dangerous elements of society. ASH (Action on Smoking and Health) Scotland wrote in 2011: “The Taliban, al-Qaeda, Hezbollah and the Kurdistan Workers Party are involved in smuggling cigarettes as is the Columbian FARC. Both the Provisional IRA and the splinter group the Real IRA have been linked with tobacco smuggling as a way of raising money to fund their activities. Chinese Triads are central to the traffic to the UK of counterfeit cigarettes produced in highly sophisticated factories in the Far East.” International accounting firm KPMG has found that illicit tobacco consumption has grown from 11.5% to 14% in Australia since plain packaging took effect, depriving the Australian government of almost A\$2

billion in tax revenue.

4. A 2016 study by the RMIT University of Melbourne slammed the plain packaging policy as a complete failure.
5. In 2017, the Australian Institute of Health and Welfare confirmed that “the daily smoking rate did not significantly decline over the most recent 3-year period (2013 to 2016).” Taking into account the rise in the population of Australia in actual fact, there are more people smoking in Australia today than when the plain packaging policy was introduced in 2012. The Australian Criminal Intelligence Commission has also revealed that plain packaging laws have failed to achieve their aim of reducing smoking in the country. It found that compound levels in population-wide samples of wastewater across all major capital cities and tested regions in 2016-17 showed a rise in nicotine consumption. Latest statistics from Australia show that expenditure on tobacco rose by 2.5% in the final quarter of 2017 compared to the same period the previous year – this after some 7 years of plain packaging! In Tasmania, youth smoking has risen with the number of people smoking between the ages of 15 to 24 increasing by 6.7% in 3 years.

Interviewer: Wow, that’s a lot of facts and figures!

Dr. Loh: Well, arguments are won only if they are backed and supported by solid, verifiable scientific facts and cold hard evidence! Of course, “experts” can always be persuaded to refute whatever I’ve just quoted. Hired guns are all over the place! But consider this: No one smokes a cigarette and immediately kills another person. But polish off a bottle of vodka, get into a car and drive and see what happens! I think alcohol is even more deadly because you drink it and it goes straight into your system! I believe government officials offer alcoholic toasts at state and constituency functions but no one dares to be caught dead with a cigarette! Yes, it is tobacco that is terribly demonized. The government cannot be seen to favor one industry over another. Especially when no

study has managed to establish a credible link between plain packaging and actual quitting behaviors sustained over time. In fact, long-reaching psychological damage is not even discussed.

Interviewer: Psychological damage?

Dr. Loh: Indeed. Those gruesome pictures on packages, pictures emotionally referred to by van der Eijk and Chia using an emotive and loaded word “yucky” have the potential to cause severe guilt, self-loathing and disgust among smokers, resulting in much emotional harm. These revolting pictures can also bring about a psychological state of disempowerment which reinforces the belief that it is impossible to stop smoking so heavy smokers are resigned to becoming addicted. Therefore, with this devil-may-care attitude, they smoke more. Those “yucky” pictures can also cause a counter-effect among the impressionable because of the mistaken belief that forbidden fruits always taste the sweetest. It’s only human nature. So those sickening pictures have the added potential of enticing non-smokers to try smoking based on the misguided notion that “if it’s that bad, it must be really good.” Talk about something backfiring!

Interviewer: Hmm, I’ve never thought of that.

Dr. Loh: Haha, common sense is not so common, right? The tobacco industry is not a well-liked industry and I don’t condone it. I support all ways and means to keep cigarettes as far away as possible from people – children, youth and as well as adults. I know majority of the public will support a total ban of tobacco if it has its way. I also know this won’t happen because the tax collected from tobacco is phenomenal, it’s probably in the billions! Chewing gum may be banned but tobacco will never be banned! Therefore, deterrents are needed and plain packaging as a deterrent is an appealing populist story to feed to the public, especially during an election year. It is an appropriate topic for the government to press home the narrative that it cares for our health. Who doesn’t

welcome a government that is concerned about our health? However, there are bigger issues here. Sounding a clarion call for plain packaging tantamount to allowing the government to chip away at our personal liberty and the rights – our basic human rights – to make our own informed choices about how we choose to live our lives. Plain packaging, many fail to see, is the start of an escalation in the diabolical “lifestyle regulation” that will happen in the future. I bet the government is already looking at extreme plain packaging-style regulations on other product categories without thinking there’s a need to consider proper evidence or robust research into the consequences. Plain packaging has already emboldened and empowered California to bulldoze its way into sticking the following warning on soft drinks:

“STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay.”

What next? Our butter, ghee and palm oil products may be at risk, and our favorite lard-infused char kway teow may be banned.

Interviewer: Oh yes, before you go, Lohcifer, can we talk a bit about cigars?

Dr. Loh: What about cigars?

Interviewer: Plain packaging for cigars too?

Dr. Loh: Oh yes, of course, that’s the government’s plan. Already cigar lovers are exploiting the loophole offered by online overseas cigar retailers if they want their cigars to continue coming with their original bands intact and in boxes that carry the beautiful traditional labels. But I envisage the overpaid bureaucrats in their ivory towers are already thinking of how to legally prohibit people from purchasing cigars from overseas online cigar merchants.



One other point: We all know that cigar labels and cigar bands is an art form. Aficionados and connoisseurs as well as museums collect and curate these art pieces. I am a simpleton, and in my mind, I can't help but think that eradicating these works of art by pasting disgusting pictures of rotting body parts or cadavers over them seems no different from behaving like the evil iconoclasts of old, in fact, no different from Emperor Qin Shi Huang or Hitler burning books or the Taliban bombing away the statues of Buddha of Bamiyan or ISIS destroying the priceless cultural artifacts of Palmyra, an ancient historical city at the crossroads of rich Roman, Persian and Greek civilizations. I know I sound harsh, but surely no government has the right to trample history and destroy culture! Moreover, if cigar bands are removed and replaced with plain bands, the process will destroy the cigars. Removing the cigar band will almost inevitably tear and damage a cigar, making it unfit for consumption. It's more than just a simple issue of sticks of cigars being spoiled and

rendered useless.

Applying plain packaging on cigars, in my mind, is therefore nothing but a highly questionable draconian measure imposed on a legal luxury product enjoyed only by a very select group of well-informed consumers, a product – unlike cigarettes – that is not even inhaled. Right now, one box of Cohiba Behike 56 sells for S\$9,500/- at Oak Cellars here in Singapore. And that's just for 10 sticks – not something your typical Tom, Dick, Harry and Ah Beng would walk in casually to buy on a daily basis. Treating cigars as if they are cigarettes only goes to show the utter lack of thinking and understanding on the government's part.

Interviewer: So, what can be done?

Dr. Loh: Is that a rhetorical question? Eat more char kway teow because every plate you eat could be your last! But seriously, too many cowering and groveling tobacco retailers behave as if they have several skeletons in their closets, no one dares to really speak up. At least one retailer I know of is afraid of losing his permanent residency status, others fear losing their licences, etc. Is there ever a time when cigar retailers here meet to strategize or for a brainstorming amongst themselves? Has there ever been an attempt to make a joint, fact-based presentation to the government? The intent is not to blow smoke at the government but to be heard and understood. But it appears that cigar retailers don't help anybody get to know them and their products because, to be honest, most of the time, they just daydream in their own stores and criticize other retailers. It is said that the High Street fellow exudes the impression that he genuinely believes he is a more superior human being than everyone else. The Tanglin Road guy thinks the High Street fellow is "the world's greatest prick." The UE Square "mafia" thinks the Suntec girls are "lesbian cunts." But I was told these Suntec "lesbian cunts" seem to be more interested in ripping off and gouging their customers than to engage in slandering their

competitors. In the meantime, the Chinatown “gangsters” pride themselves as “the untouchables” and think the High Street fellow is “nothing but a poser and a circus clown.” Hey, I’m only repeating what I hear, okay! So don’t shoot the messenger. Anyway, that’s how the backbiting goes and that’s how the backstabbing goes too. It continues on like that. Some fight like cats and dogs. Some retailers are not even on speaking terms! They despise and mock each other. This works to the advantage of the government, you know what I mean? Divide and conquer. There is no cooperation or collaboration among retailers and when the axe falls, all they do is gripe and throw tantrums! They have zero strategy to counterattack. So, they sit around and continue their bitching and moaning over this smoking hot topic, when what is desperately and critically needed is aggressive and continuous educational and constructive dialogs with the powers that be. No amount of whingeing, pleading and complaining can curtail the government’s heavy handedness and tone-deafness. But with active and positive engagement, hopefully leading to some illumination for those who need it, there is still a very slight glimmer of hope.

Interviewer: Thanks very much for your time, Dr. Loh.

Dr. Loh: Sorry I sound rather fatalistic. But being born here in 1957 and bred here since, I know the Singapore government well enough. I know what it is capable of. Despite so-called public consultation, and its claim that it has held discussions with industry players, the government has long made up its mind, that’s why I’m stocking up like crazy. And from legal retailers here, mind you, legit sources, not from dubious overseas online vendors, many of whom sell cigars of questionable provenance at cutthroat prices to clueless consumers hunting for bargains.

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