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TOBACCO CONTROL ACT 1990

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**TOBACCO CONTROL  
(PACKAGE LABELS)  
REGULATIONS 1993**



## TOBACCO CONTROL ACT 1990

**TOBACCO CONTROL (PACKAGE LABELS)  
REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Tobacco Control (Package Labels) Regulations 1993*.

**Interpretation**

2. (1) In these regulations —

“**black line**” means a black line not less than 0.3 mm and not greater than 0.5 mm thick;

“**prescribed information**” means the information in Schedule 3;

“**prescribed warning**” means a warning in Schedule 2;

“**required labelling**” means the labelling required by regulation 3.

- (2) A reference in these regulations to a surface of a package is a reference to the external surface of the package.

- (3) If a package is individually wrapped in any material and the material is not wholly transparent so as to allow the required labelling on the package to be readable, a reference in these regulations (other than regulation 7) to a package is to be taken as including a reference to the material in which the package is individually wrapped.

**Labelling of packages**

3. (1) On and after 1 April 1994, a package of a class referred to in Column A of Schedule 1 shall be labelled —

- (a) subject to regulation 5, with Part A of one of the prescribed warnings bordered by a black line which shall —

- (i) be positioned in the manner; and

- (ii) occupy the area,

specified in Column B of Schedule 1;

- (b) with Part B of the same prescribed warning bordered by a black line which shall —
    - (i) be positioned in the manner; and
    - (ii) occupy the area, specified in Column C of Schedule 1; and
  - (c) subject to regulation 6, with the prescribed information bordered by a black line which shall —
    - (i) be positioned in the manner; and
    - (ii) occupy the area, specified in Column D of Schedule 1.
- (2) A class of package not referred to in Column A of Schedule 1 shall be referred to the Commissioner of Health for a determination under subregulation (3).
- (3) The Commissioner of Health shall determine —
- (a) whether the whole or none or only specified portions of the prescribed warnings and the prescribed information shall be the required labelling for the class of package; and
  - (b) the position of the required labelling and the area to be occupied by it on packages in the class; but shall not require the required labelling to occupy more than 30% of the surface area of packages in the class.
- (4) A determination by the Commissioner of Health under subregulation (3) shall be in writing.
- (5) A package of a class the subject of a determination under subregulation (3) shall be labelled in accordance with the determination.

#### **Type and appearance of required labelling**

4. (1) Required labelling on a package shall be —
- (a) in Helvetica type; and
  - (b) in black type on a white background.
- (2) The size of the type in required labelling on a package shall be consistent within each of the following:
- (a) Part A of a prescribed warning.
  - (b) Part B of a prescribed warning.
  - (c) The prescribed information.
- (3) Where in required labelling a word or number is in bold type or in upper case, the word or number in the required labelling on a package shall likewise be in bold type or in upper case, as the case requires.
- (4) Where in Part B of a prescribed warning a line is centred, that line of the prescribed warning in the required labelling on a package shall likewise be centred.
- (5) Where any portion of required labelling is to occupy a specific area on a package, the lettering used in that portion shall, as far as is practicable, fill the area to be occupied and be in the largest possible size of type.
- (6) The area on a package required to be occupied by required labelling shall not contain any matter other than that required by these regulations.

**Prescribed warnings to be rotated**

5. If the required labelling for a class of package includes the whole, a Part, or any portion of one of the prescribed warnings, the packer, or a person causing other persons to pack tobacco products in that class of package, shall ensure that each prescribed warning, or the required Part or portion of each prescribed warning, as the case may be, is used on labels on packages in that class with equal frequency during each period of 12 months commencing on 1 April 1994.

**Prescribed information**

6. For the purposes of inserting the appropriate information in the prescribed information on a package of cigarettes, the amount of tar, nicotine, and carbon monoxide in the smoke of cigarettes in the package shall be determined using the following standards of the International Organization for Standardization ("ISO standards"):

ISO 8243:1991	ISO 10315:1991
ISO 3402:1991	ISO 10362:1991
ISO 3308:1991	ISO 8454:1987
ISO 4387:1991	

**Required labelling not to be removable etc.**

7. (1) No portion of the required labelling on a package shall be able to be removed from the package.

(2) No portion of the required labelling on a package shall be destroyed or become unreadable when the package is opened in the normal way.

**Prohibited words on or in packages**

8. (1) In this regulation "**prohibited words**" means —

(a) words that contradict or tend to contradict the content of any required labelling on a package; or

(b) words that comment on or explain the content of any required labelling on a package.

(2) A package labelled with required labelling shall not be sold bearing any prohibited words.

(3) A package labelled with required labelling shall not be sold containing anything on which are prohibited words.

Penalty: \$1 000.

**Review of regulations**

9. The Commissioner of Health shall review these regulations and report accordingly to the Minister within 5 years after the day on which they come into operation.

**Repeal and transitional**

10. (1) The *Tobacco Control (Package Labels) Regulations 1992* are repealed.

(2) The *Tobacco (Warning Labels) Regulations 1987* are repealed on 1 April 1994.

(3) It is a defence to a charge under the *Tobacco (Warning Labels) Regulations 1987* alleged to have been committed on or after the coming into operation of these regulations and before 1 April 1994 to prove that the labelling on a package would comply with these regulations.

## SCHEDULE 1

[reg. 3]

## LABELLING REQUIREMENTS FOR PACKAGES

Column A	Column B	Column C	Column D
CLASS OF PACKAGE	POSITION OF PART A OF PRESCRIBED WARNING AND AREA TO BE OCCUPIED BY IT	POSITION OF PART B OF PRESCRIBED WARNING AND AREA TO BE OCCUPIED BY IT	POSITION OF PRESCRIBED INFORMATION AND AREA TO BE OCCUPIED BY IT
1. Box or packet with flip-top, or square or rectangular box or tin, containing cigarettes. (This class includes packages known in the trade as "shell and slide" and ones known as "hinge lid".)	<b>Position:</b> On the front of the package at the top and across the full width of the package. <b>Area:</b> Not less than 25% of the whole of the front of the package.	<b>Position:</b> On the back of the package at the top and across the full width of the package. <b>Area:</b> Not less than 1/3 of the whole of the back of the package.	<b>Position:</b> On one of the long sides of the package. <b>Area:</b> The whole of the long side of the package excluding the part that forms part of the lid (if any).
2. Soft packet (known in the trade as "soft cup") containing cigarettes.	<b>Position:</b> On the front of the package not more than 15 mm below the top of the package and across the full width of the package. <b>Area:</b> Not less than 25% of the whole of the front of the package.	<b>Position:</b> On the back of the package not more than 15 mm below the top of the package and across the full width of the package. <b>Area:</b> Not less than 1/3 of the whole of the back of the package.	<b>Position:</b> On one of the long sides of the package. <b>Area:</b> The whole of the long side of the package.

LABELLING REQUIREMENTS FOR PACKAGES—*continued*

Column A	Column B	Column C	Column D
CLASS OF PACKAGE	POSITION OF PART A OF PRESCRIBED WARNING AND AREA TO BE OCCUPIED BY IT	POSITION OF PART B OF PRESCRIBED WARNING AND AREA TO BE OCCUPIED BY IT	POSITION OF PRESCRIBED INFORMATION AND AREA TO BE OCCUPIED BY IT
3. Pouch or wallet containing loose tobacco.	<b>Position:</b> On the front of the package at the top and across the full width of the package. <b>Area:</b> Not less than 25% of the whole of the front of the package.	<b>Position:</b> On the back of the package but not on any flap that folds over the back. <b>Area:</b> Not less than $\frac{1}{3}$ of the whole of the back of the package.	Not required.
4. Box or tin containing loose tobacco.	<b>Position:</b> On the lid of the package. <b>Area:</b> Not less than 25% of the whole of the lid of the package.	<b>Position:</b> On the back of the box or tin. <b>Area:</b> Not less than $\frac{1}{3}$ of the whole of the back of the package.	Not required.
5. Box or tin containing cigars.	<b>Position:</b> On the front of the package. <b>Area:</b> Not less than 25% of the whole of the front of the package.	Not required.	Not required.
6. Individual cigars.	Not required.	Not required.	Not required.

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## SCHEDULE 2

[regs. 3, 5]

## PRESCRIBED WARNINGS

## PART A

## PART B

1. **SMOKING CAUSES LUNG CANCER**

**HEALTH AUTHORITY WARNING**  
**LUNG CANCER.** Tobacco smoke contains many cancer-causing chemicals. When the smoke is breathed in, these chemicals can damage the lungs, and can cause cancer. Lung cancer is the most common cancer caused by smoking. Lung cancer usually grows and spreads before it is noticed. In most cases, it kills rapidly.  
**For help call the Quit Line: 13 1848**
2. **SMOKING CAUSES HEART DISEASE**

**HEALTH AUTHORITY WARNING**  
**HEART DISEASE.** Tobacco smoking is a major cause of heart disease. It is a cause of blockages in the body's arteries, which can lead to chest pain and heart attack. Heart attack is the most common cause of death in Australia. Smokers have double the chance of a heart attack compared to people who don't smoke.  
**For help call the Quit Line: 13 1848**
3. **SMOKING KILLS**

**HEALTH AUTHORITY WARNING**  
**DEATH.** Tobacco smoking causes more illness and early death than the use of any other drug in Australia. It kills almost three times as many people as are killed by alcohol and all other drugs, combined. Six times more people die from the effects of smoking each year than from car accidents.  
**For help call the Quit Line: 13 1848**
4. **YOUR SMOKING CAN HARM OTHERS**

**HEALTH AUTHORITY WARNING**  
**HARM TO OTHERS.** Other people who breathe your tobacco smoke can be harmed. Your smoking can increase their risk of lung cancer and heart disease. Children who breathe your smoke are more likely to be taken to hospital with asthma, and chest illnesses.  
**For help call the Quit Line: 13 1848**
5. **SMOKING IS ADDICTIVE**

**HEALTH AUTHORITY WARNING**  
**ADDICTION.** Tobacco smoking is addictive. Nicotine, a drug in tobacco, makes smokers feel like they need to smoke. The more you smoke, the more your body will depend on getting nicotine, and you can find yourself hooked. Strong cravings for nicotine can make it difficult to give up.  
**For help call the Quit Line: 13 1848**
6. **SMOKING WHEN PREGNANT HARMS YOUR BABY**

**HEALTH AUTHORITY WARNING**  
**HARM TO UNBORN BABIES.** Tobacco smoking in pregnancy can harm the unborn child. Poisons in cigarette smoke reach the baby through the blood stream. If you smoke when you are pregnant you double the chances of having a baby of low birth-weight. This risks the baby's health.  
**For help call the Quit Line: 13 1848**

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**SCHEDULE 3**

[regs. 3, 6]

**PRESCRIBED INFORMATION**

The following, with such insertions as are necessary due to the contents of the package, is the prescribed information:

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**The smoke from each cigarette\* contains:**

... **milligrams of tar** (condensed tobacco smoke containing many chemicals, including some that cause cancer);

... **milligrams of nicotine** (a poison and addictive drug);

... **milligrams of carbon monoxide** (a deadly gas which reduces the ability of blood to carry oxygen).

\* individual cigarettes may vary from this yield.

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By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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