

HE305

TOBACCO CONTROL ACT 1990**TOBACCO CONTROL (GENERAL) REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

PART 1—PRELIMINARY**Citation**

1. These regulations may be cited as the *Tobacco Control (General) Regulations 1991*.

Commencement

2. These regulations shall come into operation on the day on which section 5 (1) of the Act comes into operation.

Interpretation

3. In these regulations, unless the contrary intention appears—

“advertising display” means dispensing unit, together with any tobacco advertisement directly adjacent to it;

“dispensing unit” means container, structure or unit—

- (a) designed or adapted to dispense, display, promote or store tobacco products; and
- (b) situated in a shop or other retail outlet,

but does not include container, structure or unit that is a vending machine;

“health warning” means one of the following warnings—

- (a) “SMOKING CAUSES LUNG CANCER Health Authority Warning”;
- (b) “SMOKING CAUSES HEART DISEASE Health Authority Warning”;
- (c) “SMOKING DAMAGES YOUR LUNGS Health Authority Warning”; or
- (d) “SMOKING REDUCES YOUR FITNESS Health Authority Warning”;

“illuminated sign” includes neon sign, but does not include electronically-generated image;

“shopkeeper” means person who operates a shop or other retail outlet.

PART 2—POINT OF SALE ADVERTISING**Tobacco advertisements not to be visible from public places outside shops or other retail outlets**

4. A shopkeeper shall ensure that a tobacco advertisement which is situated inside his or her shop or other retail outlet is not visible from a public place outside that shop or retail outlet.

Penalty: \$1 000.

Maximum areas of tobacco advertisements

5. A shopkeeper shall ensure that the area of a tobacco advertisement which is situated inside his or her shop or other retail outlet does not exceed 850 mm in length and 250 mm in width.

Penalty: \$1 000.

Tobacco advertisements to form part of advertising displays

6. A shopkeeper shall not have situated inside his or her shop or other retail outlet a tobacco advertisement which does not form part of an advertising display.

Penalty: \$1 000.

Maximum dimensions of advertising displays

7. A shopkeeper shall not have situated inside his or her shop or other retail outlet an advertising display which exceeds 1 metre in height, 1 metre in length and 1 metre in width.

Penalty: \$1 000.

Lettering of health warnings

8. A shopkeeper inside whose shop or other retail outlet a tobacco advertisement is situated shall ensure that the letters in which a health warning in the tobacco advertisement is written—

- (a) appear in Helvetica Medium Capitals;
- (b) are reproduced in black on a white background; and
- (c) occupy not less than 80% of that part of the total area of the tobacco advertisement which is required by regulation 9 to be devoted exclusively to the display of a health warning.

Penalty: \$1 000.

Areas of tobacco advertisements to be devoted to health warnings

9. (1) A shopkeeper shall ensure that an area constituting 25% of the total area of each tobacco advertisement (other than a tobacco advertisement referred to in subregulation (2)) which is situated inside his or her shop or other retail outlet is exclusively devoted to the display of a health warning.

Penalty: \$1 000.

(2) A shopkeeper shall ensure that—

- (a) in the case of a tobacco advertisement—
 - (i) which is situated inside his or her shop or other retail outlet; and
 - (ii) which takes the form of an electronically-generated image, an area constituting 25% of the total area of the screen on which the image referred to in subparagraph (ii) is displayed is exclusively devoted to the continuous display of a health warning while that image is being displayed;
- or
- (b) in the case of a tobacco advertisement—
 - (i) which is situated inside his or her shop or other retail outlet; and
 - (ii) which takes the form of an illuminated sign, an area constituting 25% of the total area of the illuminated sign referred to in subparagraph (ii) is exclusively devoted to the display of a health warning and that the health warning is illuminated in the same manner as the remainder of that illuminated sign.

Penalty: \$1 000.

PART 3—VENDING MACHINES**Statements on vending machines**

10. The statement referred to in section 11 (2) (b) of the Act shall be in the form of 2 notices—

- (a) one of which shall consist of a health warning and one of which shall state—

“IT IS AN OFFENCE TO SELL OR SUPPLY CIGARETTES AND TOBACCO PRODUCTS TO ANY PERSON UNDER THE AGE OF 18 YEARS. PENALTY UP TO \$20 000.”; and
- (b) each of which shall be displayed in a sign occupying a total area of not less than 210 mm in height and 300 mm in width, and shall be written in letters which—
 - (i) appear in Helvetica Bold Capitals;
 - (ii) are reproduced in white on a black background; and
 - (iii) are not less than 15 mm in height.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.