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FAIR TRADING ACT 2010

**COMPETITION AND
CONSUMER (TOBACCO)
INFORMATION STANDARD
2011**

FAIR TRADING ACT 2010

The following instrument is published under the *Fair Trading Act 2010* section 21



Competition and Consumer (Tobacco) Information Standard 2011¹

Competition and Consumer Act 2010

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer, make this information standard under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*.

Dated 22 December 2011

DAVID BRADBURY
Parliamentary Secretary to the Treasurer

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Part 1 Preliminary

1.1 Name of information standard

This information standard is the *Competition and Consumer (Tobacco) Information Standard 2011*.

1.2 Commencement

This information standard commences on 1 January 2012.

1.3 Definitions

- (1) In this information standard:

bidi means a tobacco product for smoking, not enclosed in paper, commonly known as a bidi.

cigar means a roll of cut tobacco for smoking, enclosed in tobacco leaf or the leaf of another plant.

cigarette means a roll of cut tobacco for smoking, enclosed in paper.

cigarette carton means any container for retail sale that contains smaller containers in which cigarettes are directly placed.

Note See also the definition of ***container***.

cigarette pack means any container for retail sale in which cigarettes are directly placed.

Note See also the definition of ***container***.

cigar tube means a tube for packaging one cigar.

container includes (without limitation) any pack, carton, box, tin, packet, bag, pouch, tube or other container that is used as the retail packaging of a tobacco product.

explanatory message means a message described as an explanatory message in this information standard.

graphic means an image described as a graphic in this information standard.

health warning means any of the following:

- (a) a warning statement;
- (b) a graphic;
- (c) an explanatory message;
- (d) an information message.

information message means a message described as an information message in this information standard.

insert means any thing (other than a tobacco product) placed inside packaging (within the ordinary meaning of the word), but does not include the lining of a cigarette pack if the lining complies with the requirements of the *Tobacco Plain Packaging Act 2011*.

large cylinder means retail packaging that is a cylindrical container and that is at least 41 mm in height.

onsert means any thing affixed or otherwise attached to packaging (within the ordinary meaning of the word), but does not include the lining of a cigarette pack if the lining complies with the requirements of the *Tobacco Plain Packaging Act 2011*.

Note A sound chip embedded in the cardboard of a cigarette pack is an example of an onsert.

pouch means retail packaging that:

- (a) is made from flexible material; and
- (b) takes the form of a rectangular pocket with a flap that covers the opening.

retail packaging of a tobacco product means:

- (a) any container for retail sale in which the tobacco product is directly placed; or
- (b) any container for retail sale that contains a smaller container in which the tobacco product is directly placed; or
- (c) any plastic or other wrapper that covers any retail packaging of the tobacco product (within the meaning of paragraph (a) or (b) of this definition); or
- (d) any plastic or other wrapper that covers the tobacco product, being a tobacco product that is for retail sale; or
- (e) any insert that is placed inside the retail packaging of the tobacco product (within the meaning of any of paragraphs (a) to (d) of this definition); or
- (f) any onsert that is affixed or otherwise attached to the retail packaging of the tobacco product (within the meaning of any of paragraphs (a) to (d) of this definition).

Note See also the definition of **container**.

small cylinder means retail packaging that is a cylindrical container and that is less than 41 mm in height.

smokeless tobacco means a tobacco product that is manufactured to be used for sucking, chewing or snuffing.

supply, when used as a verb, includes:

- (a) in relation to goods — supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase by a person in Australia to another person in Australia; and
- (b) in relation to services — provide, grant or confer;

and, when used as a noun, has a corresponding meaning, and **supplied** and **supplier** have corresponding meanings.

tear strip means a line of plastic incorporated into a plastic or other wrapper, to enable the wrapper to be opened quickly, but does not include any part of the wrapper that is removed with the tear strip when the wrapper is opened.

tobacco product means processed tobacco, or any product that contains tobacco, that:

- (a) is manufactured to be used for smoking, sucking, chewing or snuffing; and
- (b) is not included in the Australian Register of Therapeutic Goods maintained under the *Therapeutic Goods Act 1989*.

Note Loose tobacco for roll-your-own cigarettes is an example of processed tobacco. A cigar or cigarette is an example of a product that contains tobacco.

variant name, for a tobacco product, means the name used to distinguish that kind of tobacco product from other tobacco products that are supplied under the same brand, business or company name, by reference to one or more of the following:

- (a) containing or not containing menthol;
- (b) being otherwise differently flavoured;
- (c) purporting to differ in strength;
- (d) having or not having filter tips or imitation cork tips;
- (e) being sold in retail packaging containing different numbers of pieces;
- (f) being of different length or mass.

warning statement means a statement described as a warning statement in this information standard.

- (2) A reference in this information standard to a cylinder or a cylindrical container includes a container that is, in one plane, elliptical, rather than circular, in cross-section.
- (3) Retail packaging is **vertical** if:
 - (a) the largest brand name on the outer surfaces is read; and
 - (b) the longest edge of that outer surface is vertical when the brand name is read.
- (4) Retail packaging is **horizontal** if:
 - (a) the largest brand name on the outer surfaces is read; and
 - (b) the longest edge of that outer surface is horizontal when the brand name is read.
- (5) If retail packaging is square, the packaging may be treated as vertical or horizontal.
- (6) The **Quitline logo** is:



Note The Quitline logo is partially transparent. Subsection 9.4 (3) gives an example of how to display the logo to allow the graphic to be seen underneath it.

1.4 Purpose

The purpose of this information standard is to provide for a system of warning statements, explanatory messages, graphics and information messages:

- (a) to increase consumer knowledge of health effects relating to the use of tobacco products; and
- (b) to ensure the continuing effectiveness of health warnings on the retail packaging of tobacco products; and

- (c) by ensuring the continuing effectiveness of health warnings on the retail packaging of tobacco products, to encourage the cessation of the use of tobacco products, and to discourage uptake or relapse.

Note A tobacco product that is supplied in retail packaging must display health warnings which comply with this information standard.

1.5 Application of standard

- (1) Subject to subsections (2) and (3), this information standard applies to a tobacco product that is supplied on or after 1 January 2012.

- (2) If:

- (a) a tobacco product is supplied during the period commencing on 1 January 2012 and ending on 30 November 2012; and
- (b) the tobacco product is of a kind that was not subject to the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*, as in force immediately before 1 January 2012;

the retail packaging of the tobacco product is not required to comply with the requirements of this information standard.

- (3) If:

- (a) a tobacco product is supplied during the period commencing on 1 January 2012 and ending on 30 November 2012; and
- (b) the tobacco product is of a kind that was subject to the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*, as in force immediately before 1 January 2012; and

- (c) the retail packaging of the tobacco product complies with the requirements set out in those Regulations;

the retail packaging of the tobacco product is taken to comply with the requirements of this information standard.

Note There will be 2 systems of labelling tobacco products in operation in the period commencing on 1 January 2012 and ending on 30 November 2012:

- (a) the system set out in this information standard; and
- (b) the system set out in the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*.

During that period, suppliers of tobacco products that were subject to the 2004 Regulations may continue to supply those tobacco products in compliance with those Regulations, or may supply those tobacco products in compliance with this information standard.

- (4) On and after 1 December 2012, this information standard applies to all tobacco products.

1.6 Application of *Trans-Tasman Mutual Recognition Act 1997*

On and after 1 December 2012, this information standard is exempt from the operation of the *Trans-Tasman Mutual Recognition Act 1997*.

Note See section 46 of that Act.

1.7 Repeal of *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*

On 1 December 2012, the following legislative instruments are repealed:

- (a) Statutory Rules 2004 No. 264;
- (b) Legislative Instrument F2005L02919;

(c) Legislative Instrument F2007L00233.

Note The *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* prescribed a consumer product information standard. Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010* provides that that standard continues in force after 1 January 2011 as if it were an information standard.

Part 2 Display of health warnings

2.1 Supply of tobacco product

- (1) A tobacco product supplied by way of retail sale must be in retail packaging when it is supplied to the purchaser.

Note The retail packaging must comply with this information standard.

- (2) For a single cigar supplied by way of retail sale:
- (a) the cigar must be in retail packaging when it is supplied to the purchaser; and
 - (b) the cigar must be covered by at least one layer of retail packaging that is not a plastic or other wrapper.

Note Subsection 9.9 (4) relates to the use of wrappers as the retail packaging for a single cigar.

2.2 Outer surfaces

- (1) The table identifies:
- (a) the outer surfaces of retail packaging; and
 - (b) the health warnings that are required to be displayed on those outer surfaces.

Item	Retail packaging	Outer surface	Surface	Health warning
1	Cigarette pack	Front	The surface that includes the front of the flip-top lid	Warning statement Graphic
		Back	The surface directly opposite the front surface	Warning statement Graphic Explanatory message
		Side	One of the 2 longest of the other surfaces	Information message
2	Cigarette carton	Front	One of the largest surfaces	Warning statement Graphic
		Back	The surface directly opposite the front surface	Warning statement Graphic Explanatory message
		Side	One of the 2 longest of the other surfaces	Information message
3	Pouch	Front	The largest surface that is not overlapped by the flap of the pouch	Warning statement Graphic
		Back	The surface directly opposite the front surface, including the flap of the pouch The part of the surface that is covered by the flap is not part of the back outer surface	Warning statement Graphic Explanatory message

Item	Retail packaging	Outer surface	Surface	Health warning
		Inside flap	Either: (a) the inside surface of the flap; or (b) the surface of the pouch that is under the flap when the flap is closed	Information message
4	Large cylinder	Front	The curved surface that extends one-sixth of the circumference of the retail package each side of the vertical centre line (the front line) of the largest brand name appearing on the surface	Warning statement Graphic
		Back	The curved surface that extends one-sixth of the circumference of the retail package each side of a vertical line directly opposite the front line	Warning statement Graphic Explanatory message
		Base	The outer surface of the base	Information message
5	Small cylinder	Front	The outer surface of the lid	Warning statement Graphic
		Back	The outer surface of the base	Warning statement Explanatory message
6	Retail packaging for cigars, other than a cigar tube: (a) if the packaging is not cylindrical	Front	One of the largest surfaces	Warning statement Graphic
		Back	The surface directly opposite the front surface	Warning statement Explanatory message
	(b) if the packaging is cylindrical	Front	The curved surface that extends one-sixth of the circumference of the retail package each side of the vertical centre line (the front line) of the largest brand name appearing on the surface	Warning statement Graphic
		Back	The curved surface that extends one-sixth of the circumference of the retail package each side of a vertical line directly opposite the front line	Warning statement Explanatory message
7	Cigar tube	Front	The outer surface of the tube	Warning statement

Item	Retail packaging	Outer surface	Surface	Health warning
8	Retail packaging for bidis	Front	One of the largest surfaces	Warning statement
9	Retail packaging for smokeless tobacco	Front	One of the largest surfaces	Warning statement
		Back	The surface directly opposite the front surface	Warning statement
10	Other retail packaging not mentioned in this table	Front	One of the largest surfaces	Warning statement Graphic
		Back	The surface directly opposite the front surface	Warning statement Explanatory message
	<i>If:</i>	Side	One of those largest outer surfaces other than the front and back outer surfaces	Information message
	<i>(a) the retail packaging has more than 2 outer surfaces; and</i>			
	<i>(b) the largest outer surface other than the front and back has a minimum surface area of 2400 mm²</i>			

(2) If a section of this information standard illustrates a layout for the display of a health warning on an outer surface:

- (a) the outer edges of the illustration are the edges of the outer surface, unless the retail packaging is a small cylinder; and
- (b) a health warning within a bordered area of the illustration must extend as close as possible to the edges of the bordered area; and
- (c) health warnings that are shown in the illustration with a common border must join without space between them.

Example

In this illustration:

Warning statement
Graphic

- (a) the warning statement must extend as close as possible to the top and side edges of the outer surface; and
- (b) the graphic must extend as close as possible to the side edges of the outer surface; and
- (c) the warning statement and the graphic must join without space between them.

Part 3 Health warnings — retail packaging for cigarettes and smoked tobacco products not mentioned in other Parts (first set of health warnings)

3.1 Outline of Part 3

- (1) Each section in this Part sets out a combination of:
 - (a) warning statements; and
 - (b) graphics; and
 - (c) explanatory messages; and
 - (d) information messages.
- (2) A combination must be displayed on retail packaging for:
 - (a) cigarettes; and
 - (b) smoked tobacco products that are not mentioned in Parts 5 to 8;
as required by Parts 2 and 9.

Note Part 4 includes more combinations for this retail packaging.

3.2 Smoking harms unborn babies

- (1) The warning statement is:
SMOKING HARMS UNBORN BABIES
- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.
- (4) The explanatory message is:

Smoking during pregnancy reduces blood flow in the placenta and limits the oxygen and nutrients that reach the growing baby. Smoking increases the risk of miscarriage, stillbirth, premature birth, problems during the birth or the baby having a smaller brain and body.

You CAN quit smoking. Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Tobacco smoke contains a toxic mix of chemicals that cause disease and early death in children and non-smoking adults exposed to the smoke.

3.3 Smoking causes blindness

- (1) The warning statement is:

SMOKING CAUSES BLINDNESS

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking damages your eyes causing blindness.

Want to talk about quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

The toxic chemicals in tobacco smoke can go everywhere that your blood flows, causing harm all over your body.

3.4 Smoking causes lung cancer

- (1) The warning statement is:

SMOKING CAUSES LUNG CANCER

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is:



with an overlay of the Quitline logo.

- (5) The explanatory message is:

Bryan was a teenager when he started smoking. Like many others he never thought it would kill him. He died aged 34, just 47 days after he was diagnosed with lung cancer. He wanted others to know – ‘this is what happens to you when you smoke’.

Thinking of quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (6) The information message is:

WARNING

10 drags per smoke x 20 smokes per day x 365 days per year = 73,000 toxic drags per year.

3.5 Smoking causes mouth cancer

- (1) The warning statement is:

SMOKING CAUSES MOUTH CANCER

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking is a major cause of cancers of the mouth, throat, and voice box (larynx). Treatment can include surgery that may deform your face and neck or leave permanent scars. It can also leave you with problems breathing, eating, speaking, and coping with life.

Want help with quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Inhaling tobacco smoke releases benzopyrenes into your body.
Benzopyrenes damage how your body protects itself from getting cancer.

3.6 Smoking causes peripheral vascular disease

- (1) The warning statement is:

SMOKING CAUSES PERIPHERAL VASCULAR DISEASE

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking narrows and blocks your blood vessels, reducing blood and oxygen supply to your extremities (feet, legs, hands, arms). Over time this can result in pain, open sores that don't heal and gangrene. Gangrene leads to amputation.

Want advice on quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

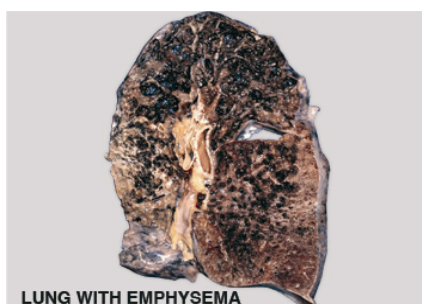
The toxic chemicals from tobacco smoke can be found in your breath, urine and blood when you smoke.

3.7 Smoking causes emphysema

- (1) The warning statement is:

SMOKING CAUSES EMPHYSEMA

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking causes most cases of emphysema. Emphysema is the slow and **permanent** destruction of the airsacs in your lungs. Over time it becomes harder and harder to breathe. You slowly start to die from lack of air.

Want help with quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Tobacco smoke contains hydrogen cyanide. Inhaling hydrogen cyanide damages the cleaning system of your lungs, allowing toxic substances to build up in the lungs.

3.8 Quitting will improve your health

- (1) The warning statement is:

QUITTING WILL IMPROVE YOUR HEALTH

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Long term smokers can and do quit. Quitting smoking at **any** age has immediate and long term health benefits. Compared with a smoker, quitting today will **halve your risk** of:

- heart disease (after one year);
- mouth and throat cancer (after five years); and
- lung cancer (after ten years).

Thinking of quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

There are no known health benefits in smoking products that taste lighter, milder or less harsh. The smoke still contains a toxic mix of chemicals that cause death and disease.

Part 4

Health warnings — retail packaging for cigarettes and smoked tobacco products not mentioned in other Parts (second set of health warnings)

4.1 Outline of Part 4

- (1) Each section in this Part sets out a combination of:
 - (a) warning statements; and
 - (b) graphics; and
 - (c) explanatory messages; and
 - (d) information messages.
- (2) A combination must be displayed on retail packaging for:
 - (a) cigarettes; and
 - (b) smoked tobacco products that are not mentioned in Parts 5 to 8; as required by Parts 2 and 9.

Note Part 3 includes more combinations for this retail packaging.

4.2 Smoking damages your gums and teeth

- (1) The warning statement is:

SMOKING DAMAGES YOUR GUMS AND TEETH
- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is:



with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking causes inflammation of the gum and other tissue around your teeth (periodontitis). Symptoms can include gum redness, swelling, bleeding, infection and pain. The gum, bones and other tissue supporting your teeth can be destroyed resulting in tooth loss.

Want to talk about quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

The toxic chemicals in tobacco smoke damage your blood vessels, damage your body's cells and attack your immune system.

4.3 Smoking causes throat cancer

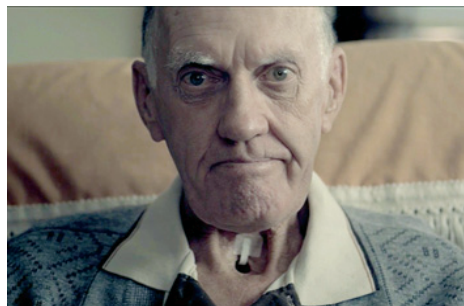
- (1) The warning statement is:

SMOKING CAUSES THROAT CANCER

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is:



with an overlay of the Quitline logo.

- (4) The explanatory message is:

John was a smoker. He got cancer of the larynx (voice box). His voice box was removed. He had to learn to talk again. Now he can only breathe through the hole in his neck.

Want help with quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

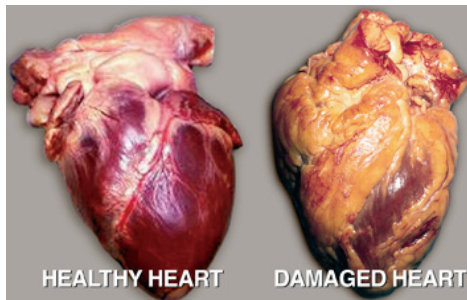
BDE (1,3 Butadiene) is found in large amounts in tobacco smoke. BDE causes leukaemia and other cancers.

4.4 Smoking causes heart disease

- (1) The warning statement is:

SMOKING CAUSES HEART DISEASE

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Smoking causes heart disease by damaging the blood vessels and blood supply to your heart. Smokers have more heart attacks, repeat heart attacks and angina than non-smokers. Quitting today will halve your risk of heart disease caused by smoking after one year.

Want help with quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

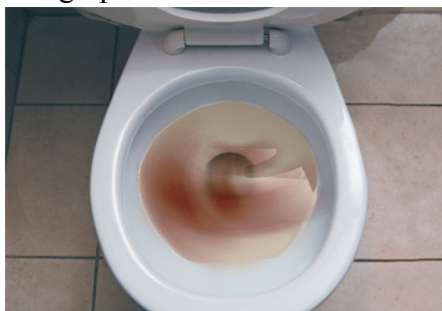
Inhaling tobacco smoke releases hydrogen cyanide into your body, a chemical that is very toxic to humans. It can damage parts of your body including your heart and lungs.

4.5 Smoking causes kidney and bladder cancer

- (1) The warning statement is:

SMOKING CAUSES KIDNEY AND BLADDER CANCER

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

The cancer-causing chemicals you inhale with each puff go through your kidneys and bladder as your body **tries** to get rid of them in your urine. This makes smoking a major cause of kidney and bladder cancer. Blood in the urine is one of the most common symptoms.

Want advice on quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Inhaling tobacco smoke releases benzene into your body. Benzene causes leukaemia, increases the risk of other cancers and is believed to be dangerous at any level of exposure.

4.6 Smoking kills

- (1) The warning statement is:

SMOKING KILLS

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Don't think it won't happen to you – half of lifetime smokers are killed by their smoking. How will you tell your loved ones if you get a disease caused by smoking? Imagine their distress, pain and suffering if smoking kills you.

Thinking of quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

The chemicals in tobacco smoke build up to high levels in your body over time. This increases your risk of death and disease the longer and more you smoke.

4.7 Smoking doubles your risk of stroke

- (1) The warning statement is:

SMOKING DOUBLES YOUR RISK OF STROKE

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

Cinthia, a smoker for 25 yrs, had a stroke aged 39. The stroke damaged her ability to speak and move parts of her body. She says 'The hardest part was relying on my kids to look after me – I should be looking after them.' Don't think it can't happen to you – younger people suffer strokes too.

Thinking of quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Inhaling even small amounts of the toxic chemicals in tobacco smoke can trigger sudden blood clots, heart attacks and strokes.

4.8 Don't let others breathe your smoke

- (1) The warning statement is:

DON'T LET OTHERS BREATHE YOUR SMOKE

- (2) The graphic for the front outer surface is:



- (3) The graphic for the back outer surface is the graphic for the front outer surface with an overlay of the Quitline logo.

- (4) The explanatory message is:

There is no safe amount of second hand smoke. Breathing even a little can be dangerous. It causes illnesses like pneumonia, middle ear infections and asthma attacks in children to be worse. It also causes heart disease and lung cancer in adults.

You CAN quit smoking. Call **Quitline 13 7848**, talk to your doctor or pharmacist or visit **www.quitnow.gov.au**

- (5) The information message is:

WARNING

Tobacco smoke contains a toxic mix of chemicals that cause disease and early death in children and non-smoking adults exposed to the smoke.

Part 5 Health warnings — retail packaging for cigars (other than cigar tubes)

5.1 Outline of Part 5

- (1) Each section in this Part sets out a combination of:
 - (a) warning statements; and
 - (b) graphics; and
 - (c) explanatory messages.
- (2) A combination must be displayed on retail packaging for cigars (other than cigar tubes) as required by Parts 2 and 9.

Note Part 6 applies to cigar tubes.

5.2 Cigar smoking causes mouth cancer

- (1) The warning statement is:

CIGAR SMOKING CAUSES MOUTH CANCER

- (2) The graphic is:



with an overlay of the Quitline logo.

- (3) The explanatory message is:

Cigar smoking causes cancers of the tongue, lip and other parts of your mouth. You can get these cancers without inhaling. Treatment can include surgery that may deform your face and neck or leave permanent scars.

Want advice on quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

5.3 Cigar smoking causes lung cancer

- (1) The warning statement is:

CIGAR SMOKING CAUSES LUNG CANCER

- (2) The graphic is:



with an overlay of the Quitline logo.

- (3) The explanatory message is:

Cigar smoking causes lung cancer, whether you inhale or not. Most people who get lung cancer die from it.

Want to talk about quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

5.4 Cigar smoking is not a safe alternative

- (1) The warning statement is:

CIGAR SMOKING IS NOT A SAFE ALTERNATIVE

- (2) The graphic is:



with an overlay of the Quitline logo.

- (3) The explanatory message is:

Smoking cigars causes death and disease whether you inhale or not. It increases your risk of heart disease, respiratory diseases and cancers of the mouth, throat and lung.

Want help with quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

5.5 Cigar smoking causes throat cancer

- (1) The warning statement is:

CIGAR SMOKING CAUSES THROAT CANCER

- (2) The graphic is:



with an overlay of the Quitline logo.

- (3) The explanatory message is:

Cigar smoking causes cancer of the throat and voice box (larynx). Treatment can include surgery that leaves you with problems breathing, eating, speaking and coping with life.

Thinking of quitting? Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

5.6 Cigar smoking damages your teeth and gums

- (1) The warning statement is:

CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS

- (2) The graphic is:



with an overlay of the Quitline logo.

- (3) The explanatory message is:

Smoking causes inflammation of the gum and other tissue around your teeth (periodontitis). Symptoms can include gum redness, swelling, bleeding, infection and pain. The gum, bones and other tissue supporting your teeth can be destroyed resulting in tooth loss.

You CAN quit smoking. Call **Quitline 13 7848**, talk to your doctor or pharmacist, or visit **www.quitnow.gov.au**

Part 6 Health warnings — retail packaging that is cigar tubes

6.1 Outline of Part 6

- (1) This Part sets out warning statements to be displayed on cigar tubes.
- (2) A warning statement must be displayed on a cigar tube as required by Parts 2 and 9.

Note Part 5 applies to retail packaging for cigars other than cigar tubes.

6.2 Warning statements

Each of the following is a warning statement:

CIGAR SMOKING CAUSES MOUTH CANCER

CIGAR SMOKING CAUSES LUNG CANCER

CIGAR SMOKING IS NOT A SAFE ALTERNATIVE

CIGAR SMOKING CAUSES THROAT CANCER

CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS

Part 7 Health warnings — retail packaging for bidis

7.1 Outline of Part 7

- (1) This Part sets out warning statements.
- (2) A warning statement must be displayed on the retail packaging for bidis as required by Parts 2 and 9.

7.2 Warning statements

Each of the following is a warning statement:

BIDI SMOKING CAUSES MOUTH AND THROAT CANCER

BIDI SMOKING CAUSES LUNG CANCER

BIDIS ARE NOT A SAFE ALTERNATIVE

BIDI SMOKING CAUSES EMPHYSEMA

BIDI SMOKING KILLS

Part 8 Health warnings — retail packaging for smokeless tobacco

8.1 Outline of Part 8

- (1) This Part sets out warning statements.
- (2) A warning statement must be displayed on the retail packaging for smokeless tobacco as required by Parts 2 and 9.

8.2 Warning statements

Each of the following is a warning statement:

THIS PRODUCT CONTAINS CANCER CAUSING AGENTS

THIS PRODUCT MAY BE HARMFUL TO YOUR HEALTH

Note The supply of a smokeless tobacco product must comply with Consumer Protection Notice No 10 of 1991, made under the *Trade Practices Act 1974*, which imposes a permanent ban on chewing tobacco and snuffs intended for oral use.

Part 9 How to display health warnings

Division 1 Preliminary

9.1 Outline of Part 9

This Part sets out requirements for the display of health warnings on retail packaging.

Division 2 General requirements

9.2 Health warnings not to be obscured etc

- (1) A health warning that is required to be displayed on retail packaging must not be obscured or obliterated in any way at the time of supply of the tobacco product.

Example

The retail packaging may be covered by a plastic or other wrapper, which must not obscure or obliterate the warning statement, explanatory message, graphic or information message.

- (2) A health warning on retail packaging (other than a cigarette carton or a cigar tube) must not be likely to be obliterated, removed or rendered permanently unreadable when the retail packaging on which it is displayed is opened in the normal way.
- (3) If retail packaging is permitted by the *Tobacco Plain Packaging Regulations 2011* to have a tear strip, a tear strip that complies with those Regulations is taken not to obscure or obliterate a health warning.

9.3 Graphics

- (1) A graphic that is to be displayed on retail packaging must not be distorted.
- (2) A graphic may be cropped if:
 - (a) it is necessary to do so to fit the graphic on to the retail packaging; and
 - (b) the overall effect of the graphic is not affected by the cropping.

9.4 Display of parts of graphics and Quitline logo

- (1) If a section of this information standard displays a graphic that shows text or numbers, the text or numbers may be placed in a different position only if:
 - (a) the text or numbers are completely contained within the image or images in the graphic; and
 - (b) the overall effect of the graphic is not affected by the new position of the text or numbers.
- (2) If a graphic displayed in a section of this information standard consists of a larger and a smaller image, the smaller image may be placed in a different position only if:
 - (a) the smaller image is displayed entirely within the area of the larger image; and

- (b) the overall effect of the graphic is not affected by the new position of the smaller image.

Note Subsection 3.4 (2) displays a graphic that consists of a larger and a smaller image.

- (3) If the Quitline logo is to be displayed on a graphic, the overlay may be placed in any position if:
 - (a) the overlay is completely contained within the graphic; and
 - (b) the overall effect of the graphic is not affected by the position of the overlay.
- (4) The Quitline logo is partially transparent, and this is an example of how it is to be displayed to allow the graphic to be seen underneath it:



9.5 Health warnings to be displayed in rotation — general

- (1) This section applies to combinations of warning statements, explanatory messages, graphics and information messages for the following retail packaging:
 - (a) a cigarette pack;
 - (b) a cigarette carton;
 - (c) a pouch;
 - (d) a cylinder;
 - (e) any other retail packaging to which section 9.6 or 9.7 does not apply.
- (2) Parts 3 and 4 contain sets of combinations.

Period for display of combinations in Part 3

- (3) Combinations in Part 3 are the only combinations to be displayed on retail packaging supplied during the period commencing on 1 January 2012 and ending on 30 November 2012.
- (4) Combinations in Part 3 are the only combinations to be displayed on retail packaging supplied during the first 8 months of a year (an ***even-numbered year***) commencing on:
 - (a) 1 December 2012; or
 - (b) 1 December in each second subsequent year.
- (5) Combinations in Part 3 must be displayed in rotation on retail packaging supplied during an even-numbered year so that each combination is displayed as nearly as possible on equal numbers of the retail packaging of each kind of tobacco product displaying combinations in Part 3.

Period for display of combinations in Part 4

- (6) Combinations in Part 4 are the only combinations to be displayed on retail packaging supplied during the first 8 months of a year (an ***odd-numbered year***) commencing on:
 - (a) 1 December 2013; or
 - (b) 1 December in each second subsequent year.
- (7) Combinations in Part 4 must be displayed in rotation on retail packaging supplied during an odd-numbered year so that each combination is displayed as nearly as possible on equal numbers of the retail packaging of each kind of tobacco product displaying combinations in Part 4.

Period for display of any required combination

- (8) In the period of 4 months beginning on 1 August in an even-numbered year or an odd-numbered year, retail packaging may display any combination of warning statements, explanatory messages, graphics and information messages that is required by Part 3 or 4.
- (9) Tobacco products are of different kinds if they are sold under different brand names.
- (10) Tobacco products are of different kinds if they are sold under different variant names.

9.6 Health warnings to be displayed in rotation — retail packaging for cigars (other than cigar tubes)

- (1) This section applies to combinations of warning statements, explanatory messages and graphics for retail packaging for cigars (other than a cigar tube).
- (2) Combinations must be displayed on retail packaging supplied during the period commencing on 1 January 2012 and ending on 30 November 2012.
- (3) Combinations must be displayed on retail packaging supplied during the period of 24 months (a ***relevant period***) commencing on:
 - (a) 1 December 2012; or
 - (b) 1 December in each second subsequent year.
- (4) Combinations must be displayed in rotation on retail packaging supplied during a relevant period so that each combination is displayed as nearly as possible on equal numbers of the retail packaging of each kind of tobacco product.
- (5) Tobacco products are of different kinds if they are sold under different brand names.
- (6) Tobacco products are of different kinds if they are sold under different variant names.

9.7 Health warnings to be displayed in rotation — cigar tubes and retail packaging for bidis and smokeless tobacco

- (1) This section applies to warning statements for the following retail packaging:
 - (a) a cigar tube;
 - (b) retail packaging for bidis;
 - (c) retail packaging for smokeless tobacco.
- (2) Warning statements must be displayed on retail packaging supplied during the period commencing on 1 January 2012 and ending on 30 November 2012.
- (3) Warning statements must be displayed on retail packaging supplied during the period of 24 months (a *relevant period*) commencing on:
 - (a) 1 December 2012; or
 - (b) 1 December in each second subsequent year.
- (4) Warning statements must be displayed in rotation on retail packaging supplied during a relevant period so that each warning statement is displayed as nearly as possible on equal numbers of the retail packaging of each kind of tobacco product.
- (5) Tobacco products are of different kinds if they are sold under different brand names.
- (6) Tobacco products are of different kinds if they are sold under different variant names.

9.8 Use of adhesive labels

- (1) A health warning that is required by this information standard to be displayed on a cigarette pack or a cigarette carton must be printed on the pack or carton.
- (2) A health warning that is required by this information standard to be displayed on retail packaging other than a cigarette pack or cigarette carton must be:
 - (a) printed on the retail packaging; or
 - (b) printed on an adhesive label that is affixed to the retail packaging.
- (3) For paragraph (2) (b), an adhesive label must:
 - (a) comply with this Part in all respects other than as specifically set out in this section; and
 - (b) be affixed to the outer surface of the retail packaging on which the message that it bears is required to be printed; and
 - (c) be fastened firmly to the retail packaging so as not to be easily removable.
- (4) For paragraph (3) (c), in determining whether a label is easily removable, regard must be had to:
 - (a) the expected life-span of the retail packaging; and
 - (b) whether the label can be removed without damaging either the label or the retail packaging.

9.9 Transparent wrappers

Wrapper covering retail packaging

- (1) Subsection (2) applies to retail packaging that is a plastic or other wrapper that covers any retail packaging of a tobacco product.
- (2) If:
 - (a) the wrapper is totally transparent and not coloured; and
 - (b) the items of retail packaging covered by the wrapper are all of the same kind; and
 - (c) the items of retail packaging covered by the wrapper are arranged so that:
 - (i) only the front outer surface of an item is visible at one side of the wrapper, and only the back outer surface of an item is visible at the opposite side; or
 - (ii) only the front outer surface of an item is visible at one end of the wrapper, and only the back outer surface of an item is visible at the opposite end;

the wrapper is taken to comply with this information standard, and the requirements in this information standard relating to the display of health warnings do not apply to it.

Note Paragraph (c) permits items of retail packaging to be arranged in 'ranks' or in 'files'.

Wrapper covering single cigar

- (3) Subsection (4) applies to retail packaging that is a plastic or other wrapper that directly covers a single cigar.
- (4) If the wrapper is totally transparent and not coloured, the wrapper is taken to comply with this information standard, and the requirements in this information standard relating to the display of health warnings do not apply to it.

Note Subsection 2.1 (2) sets out requirements about the retail packaging for a single cigar.

- (5) For subsections (2) and (4), a wrapper is taken to be totally transparent and not coloured even if any of the following appears on or as part of the wrapper:
 - (a) a tear strip that complies with the *Tobacco Plain Packaging Regulations 2011*;
 - (b) bar coding;
 - (c) a solid black rectangle to conceal bar coding on an item of retail packaging covered by the wrapper;
 - (d) labelling information required by a law of the Commonwealth or a State or Territory;
 - (e) a mark used only for the purpose of the automated manufacture of the wrapper.

Division 3 Text requirements

9.10 Warning statement

Front outer surface

- (1) The text of a warning statement on the front outer surface of retail packaging must be:
 - (a) in the type face known as Helvetica; and
 - (b) in upper case and bold type; and
 - (c) white on a black background; and
 - (d) clear and legible; and
 - (e) in the same point size throughout the statement; and
 - (f) of such a size that the text fills, as nearly as possible, the background on which it is displayed.

Back outer surface

- (2) The text of a warning statement on the back outer surface of retail packaging must be:
 - (a) in the type face known as Helvetica; and
 - (b) in upper case and bold type; and
 - (c) for retail packaging other than packaging for smokeless tobacco — white on a red background; and
 - (d) for retail packaging for smokeless tobacco — white on a black background; and
 - (e) clear and legible; and
 - (f) in the same point size throughout the statement; and
 - (g) of such a size that the text fills, as nearly as possible, the background on which it is displayed.

9.11 Explanatory message

The text of an explanatory message must be:

- (a) in the type face known as Helvetica; and
- (b) in upper and lower case, and with bold weight and normal weight, as required by the section of this information standard that sets out the text; and
- (c) white on a black background; and
- (d) clear and legible; and
- (e) in the same point size throughout the statement; and
- (f) of such a size that the text fills, as nearly as possible, the background on which it is displayed.

9.12 Information message

- (1) The text of an information message must be:
 - (a) in the type face known as Helvetica; and
 - (b) in upper and lower case, and with bold weight and normal weight, as required by the provision of this information standard that sets out the text; and

- (c) black on a yellow background; and
 - (d) clear and legible; and
 - (e) in the same point size throughout the statement (other than the word 'WARNING', which must be in a point size twice as large as the rest of the text); and
 - (f) of such a size that the text fills, as nearly as possible, the background on which it is displayed.
- (2) An information message must be displayed using this layout:

Division 4 Displaying health warnings on surfaces

Subdivision 1 Front outer surfaces

9.13 Front outer surface of cigarette packs and general vertical retail packaging

- (1) A warning statement and a graphic must cover at least 75% of the total area on the front outer surface of the following retail packaging:
- (a) a cigarette pack;
 - (b) a vertical cigarette carton;
 - (c) vertical retail packaging for cigars (other than a cigar tube);
 - (d) a vertical pouch;
 - (e) a large cylinder;
 - (f) any other vertical retail packaging that is not dealt with in another section of this Subdivision.
- (2) However, if:
- (a) the retail packaging is vertical retail packaging for cigars (other than a cigar tube); and
 - (b) the area of the front outer surface is at least 250 cm²;
- the warning statement and graphic must cover at least 188 cm².
- (3) The warning statement must cover the whole of the flip-top portion (if any).
- (4) No part of the graphic is to be obscured when the flip-top lid (if any) is closed.
- (5) The warning statement and graphic must be displayed using this layout:

Warning statement
Graphic

9.14 Front outer surface of general horizontal retail packaging

- (1) A warning statement and a graphic must cover at least 75% of the total area on the front outer surface of the following retail packaging:
 - (a) a horizontal cigarette carton;
 - (b) horizontal retail packaging for cigars (other than a cigar tube);
 - (c) a horizontal pouch;
 - (d) any other horizontal retail packaging that is not dealt with in another section of this Subdivision.
- (2) However, if:
 - (a) the retail packaging is horizontal retail packaging for cigars (other than a cigar tube); and
 - (b) the area of the front outer surface is at least 250 cm²;
 the warning statement and graphic must cover at least 188 cm².
- (3) The graphic and warning statement must be displayed using one of the following layouts:

Graphic	Warning statement

Graphic	Warning statement	
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9.15 Front outer surface of small cylinders

- (1) A warning statement and a graphic on the front outer surface of a small cylinder must cover at least 60% of the total area.
- (2) The warning statement and graphic must be displayed using this layout:

Warning statement
Graphic

Note As noted in paragraph 2.2 (2) (a), the outer edges shown in this illustration are not the outer edges of the outer surface.

9.16 Front outer surface of retail packaging for cigar tubes

A warning statement on the front outer surface of a cigar tube must:

- (a) cover at least 95% of the total length of the outer surface; and
- (b) be positioned lengthwise along the retail packaging; and
- (c) extend to at least 60% of the circumference of the outer surface.

9.17 Front outer surface of retail packaging for bidis

A warning statement on the front outer surface of retail packaging for bidis must:

- (a) measure at least 50mm by 20mm; and
- (b) be positioned lengthwise along the retail packaging.

9.18 Front outer surface of retail packaging for smokeless tobacco

A warning statement on the front outer surface of retail packaging for smokeless tobacco must cover at least 25% of the surface.

Subdivision 2 Back outer surfaces**9.19 Back outer surface of cigarette packs and vertical cigarette cartons**

- (1) A warning statement, a graphic and an explanatory message on the back outer surface of the following retail packaging:
 - (a) a cigarette pack;
 - (b) a vertical cigarette carton;
 must cover at least 90% of the total area.
- (2) If the back outer surface has a fold line along which a flip-top bends when it is opened, the warning statement must cover the area above the fold line.
- (3) The graphic must be positioned directly below the warning statement.
- (4) The warning statement, graphic and explanatory message must be displayed using this layout:

Warning statement
Graphic
Explanatory message

9.20 Back outer surface of horizontal cigarette cartons

- (1) A warning statement, a graphic and an explanatory message on the back outer surface of a horizontal cigarette carton must cover at least 90% of the total area.
- (2) The warning statement, graphic and explanatory message must be displayed using this layout:

Graphic	Warning statement
	Explanatory message

9.21 Back outer surface of pouches

- (1) A warning statement, a graphic and an explanatory message on the back outer surface of a pouch must cover at least 75% of the total area.

Note Under section 2.2, the part of the surface that is covered by the flap is not part of the back outer surface. That part of the surface is an alternative to the inside flap of the pouch.

- (2) The graphic, warning statement and explanatory message must be displayed using this layout:

Graphic	Warning statement
	Explanatory message

9.22 Back outer surface of large cylinders

- (1) A warning statement, a graphic and an explanatory message on the back outer surface of a large cylinder (other than retail packaging for cigars) must cover at least 75% of the total area.

Note See section 9.24 for retail packaging for cigars.

- (2) The warning statement, graphic and explanatory message must be displayed using this layout:

Warning statement
Graphic
Explanatory message

9.23 Back outer surface of small cylinders

- (1) A warning statement and an explanatory message on the back outer surface of a small cylinder (other than retail packaging for cigars) must cover at least 60% of the total area.

Note See section 9.24 for retail packaging for cigars.

- (2) The warning statement and explanatory message must be displayed using this layout:

Warning statement
Explanatory message

Note As noted in paragraph 2.2 (2) (a), the outer edges shown in this illustration are not the outer edges of the outer surface.

9.24 Back outer surface of retail packaging for cigars (other than cigar tubes) and other general retail packaging

- (1) A warning statement and an explanatory message on the back outer surface of:
 - (a) retail packaging for cigars (other than a cigar tube); or
 - (b) retail packaging that is not dealt with in another section of this Subdivision;
 must cover at least 75% of the total area.
- (2) However, if:
 - (a) the retail packaging is retail packaging for cigars (other than a cigar tube); and
 - (b) the area of the back outer surface is at least 250 cm²;
 the warning statement and explanatory message must cover at least 188 cm².
- (3) The warning statement and explanatory message must be displayed on vertical retail packaging using this layout:

Warning statement
Explanatory message

- (4) The warning statement and explanatory message must be displayed on horizontal retail packaging using this layout:

Warning statement	Explanatory message

9.25 Back outer surface of retail packaging for retail sale of smokeless tobacco

A warning statement on the back outer surface of retail packaging for smokeless tobacco must cover at least 25% of the surface.

Subdivision 3 Other outer surfaces

9.26 Side outer surface of cigarette packs

- (1) An information message on a side outer surface of a cigarette pack must cover the total area of the side outer surface from the base of the pack to a notional line that is:
 - (a) parallel to the top edge of the side outer surface; and

- (b) a continuation of the line of the bottom of the flip-top on the front outer surface.
- (2) The information message must be displayed on at least one side outer surface.

9.27 Side outer surface of cigarette cartons

- (1) An information message on a side outer surface of a cigarette carton must cover at least 25% of the total area.
- (2) The information message must be displayed on at least one side outer surface.

9.28 Inside flap of pouches

An information message on the inside of the flap of a pouch must be printed within a rectangle measuring at least 80 mm by 25 mm that is positioned:

- (a) in the centre of the inside surface of the flap; or
- (b) in the centre of the surface of the pouch that is under the flap, and as close as possible to the top edge of the sealed inner pouch.

9.29 Base of large cylinder

An information message on the base of a large cylinder must cover at least 50% of the total area.

9.30 Side outer surface of other retail packaging

- (1) An information message must cover at least 50% of the total area on a side outer surface of retail packaging:
 - (a) on which an information message must be displayed; and
 - (b) that is not dealt with in another section of this Subdivision;
- (2) The information message must be displayed on at least one side outer surface.

Note

- 1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.