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Departmental Notice

Health

Smoke-free Environments Act 1990

Code of Practice on Tobacco Product Notices at Points of Sale

Notice is hereby given that the Tobacco Industry in New Zealand has agreed to comply with certain restrictions relating to tobacco product advertising at retail outlets. These restrictions are contained in a document entitled "Code of Practice on Tobacco Product Notices at Points of Sale". A copy of the Code is published with this notice and appears in the Schedule hereto.

Schedule

Code of Practice on Tobacco Product Notices at Points of Sale

The Smoke-free Environments Act 1990 prohibits, with some exceptions, "tobacco product advertisements". This term is defined very widely so that, among other things, it includes any words and any pictorial representation used to promote the sale of any tobacco product.

One of the exceptions to this prohibition is that a retailer of tobacco products may display, in accordance with the Smoke-free Environments Regulations (No. 2) 1990, inside the retailer's place of business, any notice identifying the tobacco products that are available for purchase in that place and indicating their price. The Regulations impose limits on the size of these notices.

This Code imposes requirements in relation to these notices that are additional to the requirements of the Act and Regulations.

This Code does not replace or alter the Act or Regulations which will continue to apply.

1. Definitions

1.1. In this Code, unless the context otherwise requires,—

"Act" means the Smoke-free Environments Act 1990:

"Notice" means a tobacco product advertisement (as defined in the Act) that is displayed inside a retailer's place of business and that identifies tobacco products that are available for purchase in that place and indicates their price:

"Regulations" means the Smoke-free Environments Regulations (No. 2) 1990.

1.2. Every term defined in the Act or Regulations shall, unless the context otherwise requires, have the same meaning in this Code.

2. Area of Individual Notice

2.1 A Notice must not exceed 297 mm × 420 mm in area.

2.2 A Notice must clearly state its area.

3. Total Area of All Notices

3.1 The total area of all Notices inside a retailer's place of business must not exceed—

(a) where the place of business has more than 4 checkout counters, the area obtained by multiplying the number of checkout counters by 0.25 square metres;

(b) in any other case, one square metre.

3.2 Notices not exceeding 90 mm × 55 mm in area shall not be required to display the health messages and attribution described in this Code and shall not be included in the area calculations of clause 3.1.

3.3 The total number of notices not exceeding 90 mm ×

55 mm in area inside a retailer's place of business must not exceed 20 per square metre of display area.

3.4 Notices not exceeding 90 mm × 55 mm in area must comply with all other clauses of this Code except clause 3.1.

4. Health Messages and Attributions

4.1 The health messages required by the regulations to be displayed on the front face of cigarette packets shall be displayed (in a manner that ensures as equal as possible a distribution of each message) in every Notice that exceeds 90 mm × 55 mm in area.

4.2 Except as stated in **clause 4.5 (a)**, the lettering of a health message must be upper case Univers 57 Medium Condensed Roman typeface of 30 point size.

4.3 Except as stated in **clause 4.5 (b)**, an attribution "Ministry of Health warning" must appear in upper and lower case on a separate line below the health message in letters of 15 point size in Univers 55 Medium Roman typeface.

4.4 Except as stated in **clause 4.5 (c)**, the health message and attribution are to be printed in black on a white background surrounded by a rectangular border formed by a one millimetre wide black line. This border line is to be separated from the extremities of the enclosed wording by a distance which is not less than one half of the vertical dimension of the point size of the health message. No other words or material may appear within that rectangular border.

4.5 Where the area of a Notice is less than the maximum area permitted by **clause 2.1**,—

(a) the point size of the lettering of the health message shall bear the same ratio to the square root of the Notice area as 30 point size bears to the square root of 297 mm × 420 mm; and

(b) the point size of the lettering of the attribution shall bear the same ratio to the square root of the Notice area as 15 point size bears to the square root of 297 mm × 420 mm; and

(c) the width of the border line may be similarly reduced.

4.6 The health messages and attribution in this Code are included as a requirement of the Ministry of Health.

5. Contents of Notices

5.1 No words may appear in a Notice unless the words—

(a) are limited to—

(i) those identifying a class of tobacco product (for example, cigarettes, roll your own tobacco, pipe

tobacco, or cigars), pack size (being the number for cigarettes or cigars, and the weight for roll your own tobacco or pipe tobacco), brand, brand variant, type, flavour, or price; and/or

(ii) the words "new", "now available", "recommended retail price" or similar words; and

(b) do not include or consist of a slogan, or words extolling quality and/or value for money.

5.2 No depiction may appear in a Notice unless the depiction—

(a) is a representation of the product or its packaging or any logo that appears on that packaging; and

(b) does not include or consist of a slogan, or words extolling quality and/or value for money.

6. Display of Tobacco Product

All tobacco products displayed in retail premises must be available for sale, and no dummy stock may be displayed.

7. Complaints

7.1 Any complaint by any person concerning any alleged breach of this Code shall be made to one of the following persons:

(a) the manufacturer or importer of the tobacco product concerned;

(b) the local Crown Health Enterprise;

(c) the Ministry of Health.

7.2 Any person who receives a complaint under **clause 7.1** shall send a copy of it to each of the other persons specified in paragraphs (a) to (c) of that clause as soon as practicable.

7.3 As soon as practicable (but not later than one month) after a manufacturer or importer receives a complaint or copy of a complaint, the manufacturer or importer must—

(a) investigate the complaint; and

(b) report to the local Crown Health Enterprise and the Ministry of Health on the complaint and the steps that have been taken in response.

8. Commencement

This Code shall come into effect on the date that is 9 months after the date of its publication in the *New Zealand Gazette*.

Dated at Wellington this 4th day of October 1995.

KAREN O. POUTASI, Director-General of Health.

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