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## GOVERNMENT NOTICE

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### DEPARTMENT OF HEALTH

No. R. 983

29 October 2010

#### TOBACCO PRODUCTS CONTROL ACT, 1993 (ACT No. 83 OF 1993)

#### REGULATIONS RELATING TO THE DISPLAY OF TOBACCO PRODUCTS AT WHOLESALE AND RETAIL

The Minister of Health intends, in terms of section 6(1)(a) read with section 3 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), to make the regulations as set out in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Health Promotion), within three months of the date of publication of this notice.

### SCHEDULE

#### Definitions

1. In these regulations, 'the Act' means the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended, and any expression to which a meaning has been assigned in the Act shall bear such meaning and unless inconsistent with the context-

**"Carton"** means a package containing more than one packet of cigarettes, but less than a cigarette shipper;

**"cigarette shipper"** means packaging that contains more than one carton;

**“confectionary”** includes-

- (a) sweets, chocolates and candy;
- (b) popcorn and other snack foods containing potato, nuts or cereal;
- (c) confectionery novelties;
- (d) muesli bars, fruit bars, health food bars and other similar products;

**“display”** includes cause, permit or authorise to be displayed;

**“package”** means a box, carton, cylinder, packet, pouch, tin and wrapping;

**“packet”** means an individual packet containing a tobacco product;

**“premises”** includes-

- (a) land;
- (b) a building or part of a building;
- (c) a structure or part of a structure;
- (d) fences, walls, outbuildings, service installations and other appurtenances of a structure;
- (e) a tent, stall or other temporary structure;
- (f) a boat or a pontoon;
- (g) a vehicle;

**“product line”**, in relation to tobacco or a tobacco product, means a kind of tobacco product distinguishable from another kind of tobacco product by any one or more of the following characteristics:

- (a) its length, mass or volume;
- (b) its content;
- (c) its brand name or trade mark;
- (d) in the case of a packet of cigarettes or cigars, the number of cigarettes or cigars in the packet;

**“sales unit”** means a cabinet, tray, shelf or any other thing from which tobacco products are dispensed when sold; and

**“specialist tobacconist premises”** means premises that are operated independently and apart from any other retail business and where the primary business is the sale of tobacco, tobacco products , matches and cigarette or pipe lighters.

### **General requirements**

2. No person shall display a tobacco product for sale at wholesale or retail outlet unless its display complies with these regulations
3. The display of tobacco products for sale inside a wholesaler's or retailer's premises must be as follows:
  - (a) tobacco products must be displayed only in a sales unit;
  - (b) the sales unit is not on any counter accessible to the public;
  - (c) there is not more than one sales unit in any premises; and
  - (d) the display is confined to a single area not exceeding six square metres in the case of a specialist tobacconist premises or two square metres in the case of other premises.
4. The area of the surface of a display of tobacco products includes the whole of the area within the perimeter of the display.
5. Tobacco products shall be deemed to be displayed at more than one place if the display of the tobacco products is not continuous.
6. Tobacco products shall not be displayed elsewhere in the premises other than a sale unit.
7. Notwithstanding regulation 6, a display of cigars may be located in a place other than in a sales unit, provided that the cigars are—
  - (a) in a humidified container that can be accessed only by a supplier or employee of the supplier; or

- (b) kept in a humidified room where the cigars can be accessed by a customer:  
Provided that while the customer is in the room, the customer is accompanied by the supplier or an employee of the supplier.
8. Packages or packets must be displayed in the form in which they are available or usually available for sale.
9. No tobacco product shall be exposed for sale within one metre of another displayed product which is designed or marketed for use of children, or of confectionary.
10. (1) A display of tobacco products may include the price of the products only if the price is displayed in one or both of the following ways—
- (a) by a price ticket, or other indicator of price for each product, if it complies with regulations 11 and 12; or
  - (b) by a single price list for products, if it complies with regulation 13.
- (2) If a product is not displayed at a retail outlet but is available or usually available for sale at the outlet, the retail price of the tobacco product may be displayed in the ways stated in sub-regulation (1)(a) and/or (b).
- (3) A display of tobacco products, or of the prices of tobacco products, must not include anything else about the price of a tobacco product including, for example, anything that states the price is discounted.
11. The information on each price ticket or price list of tobacco product—
- (a) must be limited to any combination of the following:
    - (i) the brand name of the product,
    - (ii) the packet size (by weight or by number of tobacco products contained in the packet),
    - (iii) the price of the product; and
    - (iv) a bar code or similar identification code used in the point of sale system of the business;

- (b) shall be printed—
  - (i) in black Helvetica bold or plain type on a white background;
  - (ii) in type which has a consistent size throughout the text, and
  - (ii) in lower case type, except that the first letter of a word may be in upper case type; and
  
- (c) must not contain any other feature.

**12.** The display of price tickets must comply with the following:

- (a) all the tickets must be of an approximately equal size (but in any case not exceeding 80mm x 40mm);
  
- (b) the text on each price ticket must be black standardised font not exceeding 15 millimetres in height;
  
- (c) each price ticket must—
  - (i) in the case of a product that is visibly displayed in a retail display, be attached to or adjacent to the retail display; or
  - (ii) in any other case be adjacent to the retail display.

**13.** The display of a price list of tobacco products must—

- (a) have the title "Tobacco products price list";
  
- (b) not include the prices of any other products;
- (c) be worded with characters which are no higher than 7 millimetres;
  
- (d) have no border or frame;
  
- (e) not exceed 630 square centimetres in size; and
  
- (f) be limited to one price list per sale unit or one price list for each payment point.

- 14.** At a sale's unit a rectangular sign must be displayed, with its longer sides horizontal and its shorter sides vertical, and the message "SMOKING CAN KILL YOU" and beneath it: "WE CANNOT BY LAW SELL TOBACCO PRODUCTS TO ANYONE UNDER 18 YEARS" printed in black across it—
- (a) within a black rectangular border that is no wider than an upper case letter "i" in point size used for the words "SMOKING KILLS"; and on a white background within that border; and
  - (b) in type face known as Helvetica; and in letters that are at least 2 centimetres in height and 1,5 centimetres in width.
- 15.** A person must not display any tobacco product in premises where it is sold, using any of the following to enhance the display:
- (a) colour coding of the premises in colours that form part of the usual packaging of the tobacco product;
  - (b) lines, borders and other visual design effects that make the display stand out;
  - (c) partial imaging or wording of the packaging of the tobacco product;
  - (d) mirrors or other reflective devices that reflect images of the tobacco product or any other product prohibited from display;
  - (e) holograms linked to the display;
  - (f) empty packets, cartons, cigarette shippers and boxes of tobacco products;
  - (g) cabinets or display cases that contain trademark, colours or wording usually used in packaging of the tobacco product, except for a device containing no designs, colours, fabrics or wording usually associated with the packaging of the tobacco product that is used to allow it to be extracted; or

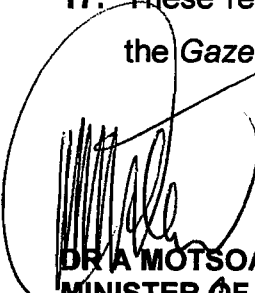


- (h) digital screens, motion pictures, movable setting, sound, scent, light or any other means that attract people's attention to the display.

**16. A sales unit shall not—**

- (a) display a price ticket or price board, other wise than in accordance with regulation 11, 12 and 13;
- (b) have a device that causes movement, visible to the public, of any part of the sale unit or of any tobacco product;
- (c) have a mirror or other reflective device, interior lighting, exterior lighting attached to the sales unit or external spotlighting; and
- (d) be positioned so that any packet of tobacco product faces more or less towards a window or a public entrance unless the window or public entrance is at least two metres from the display.

**17. These regulations come into operation 6 months from the date of publication in the Gazette.**

  
**DR A MOTSOLEDI, MP**  
**MINISTER OF HEALTH**  
DATE: 18/10/2010