



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

**No. 9803**

*Regulasiekoerant*

Vol. 566

Pretoria,

24

August  
Augustus

2012

**No. 35603**

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# GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

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## DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 634

24 August 2012

### 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 the Department 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) confectionary 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, and packet, pouch, tin and wrapping;

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

“**premises**” include-

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

### **Application**

2. (1) No person shall display a tobacco product for sale at a wholesale or retail outlet unless the display complies with these regulations.

(2) Notwithstanding sub-regulation (1), these regulations, except regulation 15, do not apply to retail outlets that have a floor or equivalent area of less than 15 square metres.

### **General requirements**

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 four square metres in the case of a specialist tobacconist premises or one square metre in the case of wholesalers and retailers.
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 sales 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. Not more than one packet of each product line of a tobacco product may be exposed for sale at any premises and in the case of items used in the consumption of tobacco, only one item of each particular product line may be displayed: Provided that in the

case of a wholesaler or a retailer who only sells tobacco products in cartons, one carton of each product line may be displayed.

9. A package or packet must be displayed in the form in which a package or packet is available or usually available for sale.
10. No tobacco product shall be exposed for sale within one metre of another displayed product which is designed or marketed for use by children, or of confectionary: Provided that if due to the limited size of the premises, the distance cannot be practicably maintained, the tobacco products must be separated from the children's products, confectionary or consumables as much as possible.
11. Unless the premises are that of a specialist tobacconist, not more than a hundred tobacco products may be displayed for sale.
12. (1) A display of tobacco products may include the price of the products only if the price is displayed by a price ticket, or other indicator of price for each product, if it complies with regulations 13 and 14, and/or by a single price list for all tobacco products if it complies with regulation 15 ;  
  
(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).  
  
(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.
13. 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 or non-promotional data used in the point of sale system of the business;

(b) shall be in writing and have a consistent size, shape and colour throughout the text in respect of all the products displayed; and

(c) must not contain any other feature.

**14.** 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 3200 square millimetres);

(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.

**15.** 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 at a sales unit or one price list for each payment point.

**16.** At a sales 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 CAN KILL YOU"; 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.

**17.** 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.

**18.** A sales unit shall not—

- (a) display a price ticket or price board, otherwise than in accordance with regulation 13, 14 and 15;
- (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.

**Repeal**

19. Regulations Relating to the Point of Sale of Tobacco Products, GN. R. 976 are hereby repealed.

**Short title**

20. These regulations are called Regulations Relating to the Display of Tobacco Products at Wholesale and Retail, 2012 made in terms of the Tobacco Products Control Act, 1993 and come into operation 6 months from the date of final publication in the Gazette.



**DR A MOTSOLEDI, MP**

**MINISTER OF HEALTH**

DATE: 18/6/2012

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 642

24 August 2012

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

**DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

As set out in the Schedule



**JEFFREY THAMSANQA RADEBE, MP**

**MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT**



## REPUBLIC OF SOUTH AFRICA

## FORM D

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:  
(Section 15 of the Promotion of Access to Information Act 2000 (Act no. 2 of 2000))  
[Regulation 5A]**

**DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)**

<b>1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)</b>	
<b><u>Court Services</u></b>	<ul style="list-style-type: none"> <li>• Court Services Structure.</li> <li>• Application form for appointment as Commissioner of Oaths.</li> <li>• Requirements for application as Commissioner of Oaths.</li> <li>• Application form for appointment as sheriff.</li> <li>• Application form for appointment as appraiser.</li> <li>• General information on the Office of the Family Advocate.</li> <li>• Contact numbers of the Chief Family Advocate and Family Advocate sub-offices.</li> <li>• The Children's Act 30 of 2005</li> <li>• Department of Justice's Regulations to the Children's Act</li> <li>• Mediation in Certain Divorce Matters Act 24 of 1997</li> <li>• Various forms prescribed by applicable legislation</li> <li>• General information on the Equality Courts and Legislation.</li> <li>• Legislation on Equality Courts.</li> <li>• Forms used in the Equality Courts.</li> <li>• Other documents, booklets, brochures and pamphlets, general documents.</li> <li>• Equality Review Committee matters and documents.</li> <li>• Contact numbers for Court Services.</li> <li>• A practical guide – court and case flow Management for Regional and District Criminal Courts</li> </ul>
<b><u>Legislative and Constitutional Development</u></b>	<ul style="list-style-type: none"> <li>• General information on Legislative and Constitutional Development.</li> <li>• The Legislative Process.</li> <li>• Legislation administered by the Department.</li> <li>• The South African Law Reform Commission (SALRC).</li> <li>• Contact numbers.</li> </ul>
<b><u>Public Education and Communication</u></b>	<ul style="list-style-type: none"> <li>• General Information on Public Education and Communication.</li> <li>• Calendar of events.</li> <li>• Contact numbers.</li> </ul>

<b>1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)</b>	
<b><u>Financial Management</u></b>	<ul style="list-style-type: none"> <li>• General information on Financial Services.</li> <li>• Contact numbers.</li> </ul>
<b><u>Legal Advisory Services</u></b>	<ul style="list-style-type: none"> <li>• General information on Legal Advisory Services.</li> <li>• Legislation reports and work schedules.</li> </ul>
<b><u>Human Resources</u></b>	<ul style="list-style-type: none"> <li>• Publication on vacancies in the Public Service and the Department of Justice and Constitutional Development</li> </ul>
<b><u>Masters of the High Courts</u></b>	<ul style="list-style-type: none"> <li>• Forms (Deceased Estate, Liquidation, Trusts, Curators and Guardians Fund forms)</li> <li>• Newsletters/reports.</li> <li>• Pamphlets.</li> <li>• Master's newsletter</li> <li>• ICMS – Web Portal</li> </ul>
<b><u>Information Systems Management</u></b>	<ul style="list-style-type: none"> <li>• The Vanguard.</li> <li>• Hearsay newsletter.</li> <li>• Human Resources special report.</li> <li>• The Headline Review.</li> <li>• Our Voice.</li> <li>• National Crime Prevention Strategy.</li> </ul>
<b>2. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
(a) The list of records above	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, (fax number 012 357 8004) and on payment of the amount of R20-00.
<b>3. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
(a) The list of records above	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, (fax number 012 357 8004) and on payment of the fee prescribed in item 2 of Part II of Annexure A of the regulations relating to the Promotion of Access to Information.
<b>4. DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)</b>	
(a) The list of records above and where the record requested is available free of charge	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, fax number 012 357 8004.







Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
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