

# REPUBLIC OF NAURU

## TOBACCO CONTROL BILL 2007

### Table of Sections

#### Part 1 - Preliminary

1. Short title and commencement
2. Interpretation

#### Part 2 - Prohibition of advertising and promotion of tobacco products

3. Prohibition of tobacco product advertisements
4. Prohibition on giving or distributing free samples or offering prizes
5. Prohibition on sponsorship

#### Part 3 - Product requirements

6. Information to be printed on packages of tobacco products
7. Restrictions on tar and nicotine content
8. Minimum package size

#### Part 4 - Restrictions on sale of tobacco products and products resembling tobacco products

9. Prohibition on supplying tobacco to persons under 18 years
10. Prohibition on supply from vending machines
11. Prohibition on supply from restaurants
12. Prohibition on confectionery or toys resembling tobacco products

#### Part 5 - Smoking in enclosed public places and workplaces

13. Prohibition on smoking in enclosed public places and workplaces
14. Enclosed public places and enclosed workplaces - display of signs

#### Part 6 - Exemptions

15. Political discourse
16. Legal obligations
17. Management advertisements and certain advertisements as to availability or recall of products

18. Trade communications
19. Non-tobacco product having the same name as a tobacco product
20. Anti-smoking advertisements
21. Advertisements in telephone directories

#### Part 6 - Miscellaneous

22. Appropriation for tobacco control activities
23. Authorised officer
24. Offences and penalties
25. Offences by corporate bodies
26. Prosecutions
27. Powers of entry, search and seizure
28. Power to obtain information
29. Continuing offences
30. Obstruction
31. Directions may be issued to ensure compliance
32. Removal of advertisements and destruction of tobacco products
33. Contracts etc. unenforceable



14. Messages not to be obscured etc.....	6
15. Use of adhesive labels.....	6

**Division 2-Retail packages containing cigarettes 7**

17. Application of Division.....	7
Message to be printed on the side of a retail package of cigarettes.....	7
18. Sides of certain packages.....	7
Front and back.....	7
Text of message for side of package.....	7
Position of message.....	8
Format of message.....	8
Average tar, nicotine and carbon monoxide content of cigarette.....	8
19. Testing methods.....	9

**Division 3-Cigars 9**

20. Application of Division.....	9
21. Packages of cigars must bear certain messages.....	9
22. Messages on package with hinged lid.....	9
23. Messages on other packages of cigars.....	9

# REPUBLIC OF NAURU

## TOBACCO CONTROL ACT 2007

### TOBACCO CONTROL REGULATIONS 2007

In exercise of the powers conferred upon it by section 34 of the *Tobacco Control Act 2007*, Cabinet has this day made the following regulations—

#### **Part 1 PRELIMINARY**

##### **1. Citation**

These Regulations are the *Tobacco Control Regulations 2007*.

##### **2. Commencement**

These Regulations come into force on a day to be fixed by the Minister by notice in the Gazette.

##### **3. Interpretation**

In these Regulations, unless the contrary intention appears -

“cigar” means a roll of cut tobacco for smoking enclosed in a tobacco leaf or the leaf of another plant;

“Australian Regulations” means the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1994* of the Commonwealth of Australia as in force from time to time;

“New Zealand Regulations” means the *Smoke-free Environments Regulations 2007* made under the *Smoke-free Environments Act 1990* of New Zealand as in force from time to time;

“retail place” includes a kiosk, cart or any other structure if a tobacco product is offered for retail sale to the public from that kiosk, cart or any other structure;

“the Act” means the *Tobacco Control Act 2007*;

“the Regulations” means any regulations made under the Act and includes these Regulations;

“word” includes an abbreviation, an initial and a number.

## **Part 2- CONDITIONS FOR DISPLAY OF TOBACCO PRODUCT ADVERTISEMENTS IN SHOPS AND RETAIL PLACES**

### **4. Point of sale advertising - shops and retail places**

For the purposes of section 3 (3) of the Act a tobacco product advertisement in a shop or other retail place —

- (a) must be within 1 metre of the point of sale;
- (b) if placed on or near a window, must face the inside of the shop or other retail place;
- (c) must not be affixed to the outer side of any outside wall or outer window or door; and
- (d) must not be larger than 500 square centimetres.

## **Part 3 - DISPLAY OF NO-SALES-TO-CHILDREN SIGNAGE**

### **5. No-Children signage**

(1) For the purposes of subsection 9(3) of the Act, the prescribed sign relating to the prohibition of the sale of tobacco products to persons under the age of 18 years is the sign set out in the Schedule.

(2) The prescribed sign must be-

- (a) printed with a blue background and white lettering; and
- (b) a minimum A4 in size (210 millimetres in width and 297 millimetres in height); and
- (c) displayed in a manner that ensures that it is clearly visible-
  - (i) at an entrance to the premises; or

(ii) at a point of sale on the premises.

(3) Nothing in this regulation prohibits the use of a sign, in addition to the prescribed sign, that conveys by way of graphics, pictures, symbols or text a message about the prohibition of the sale of tobacco products to persons under the age of 18 years.

## **Part 4 -DISPLAY OF NO-SMOKING SIGNS IN ENCLOSED PUBLIC PLACES AND WORKPLACES .**

### **6. No smoking signs in enclosed public places and enclosed workplaces**

(1) For the purposes of section 14 of the Act, the prescribed requirements for the no-smoking signs to be displayed within an enclosed public place or an enclosed workplace are-

(a) that the signs contain-

(i) a no smoking symbol in the form of a circle and diagonal line printed over a depiction of a cigarette and smoke and the outer diameter of that symbol is at least 70 millimetres; and

(ii) the phrase “No Smoking” or “Smoking Prohibited” in letters of at least 20 millimetres in height; and

(iii) the statement “It is an offence to smoke in an enclosed public place or an enclosed workplace”; and

(b) that the signs are displayed in such manner as to ensure that a person is

reasonably likely to see one or more of them either on entering the enclosed public place or workplace or from within the enclosed public place or enclosed workplace.

(2) Nothing in sub-regulation (1) prohibits the use of signs, in addition to those referred to in sub-regulation (1), that convey by way of graphics, pictures, symbols or text a no smoking message.

## **Part 5- INFORMATION TO BE PRINTED ON TOBACCO PRODUCT PACKAGES**

### **Division 1- General**

#### **7. Interpretation**

(1) In this Part, unless the contrary intention appears:

“corresponding explanatory message”, in relation to a warning message, means the explanatory message that appears in the same item in Schedule 1 as the warning message;

“explanatory message” means' a message set out in Column 3 of Schedule 1;

“face”, in relation to retail package of which the outer surface includes 2 or more flat areas that are bounded by edges of the package. means any of those flat areas;

“flip-top pack” means a retail package of the kind commonly called a flip-top pack or hinge-top pack;

“irregular package” means a retail package (other than a pouch) that has only 1 flat surface, or no flat surfaces;

“pouch” means a retail package that is:

(a) made from flexible material; and

(b) takes the form of a rectangular pocket with a flap that covers the opening;

“retail package” -

(a) means a package in which a tobacco product is sold at retail;

(b) subject to sub-regulation (c), if several packages are contained inside a larger package (for example, packets of cigarettes in a carton) and the whole is offered for retail sale as one unit - includes the larger package and each smaller package therein;

(c) does not include-

(i) a display case that is sold with the tobacco product displayed in it;

(ii) a wrapper on. or a package containing. a single cigar; or

(iii) a larger package which is formed by an outer wrapper of cellophane or other transparent material;

“soft pack” means a retail package of the kind commonly called a soft pack or soft cup;

“warning message” means a message set out in Column 2 of Schedule 1.

### **Gaps, etc, created by opening package to be disregarded**

(2) For the purposes of these Regulations, unless the contrary intention appears, openings, gaps or edges that are created in a face of a retail package when the package

is opened are to be disregarded.

**Decorative ridges, bulges, etc., to be disregarded .**

(3) For the purposes of these Regulations, unless the contrary intention appears, a surface that bears decorative ridges, embossing, bulges or other irregularities but is otherwise flat is taken to be flat.

**Shape of certain kinds of package**

(4) For the purposes of these Regulations:

(a) a soft pack is taken to be a solid that has all its faces rectangular and that has edges equal in length to the edges of the smallest rectangular solid inside which the pack will fit when it is not compressed; and

(b) a face that has rounded corners but is otherwise square or rectangular is taken to be square or rectangular, as the case requires.

**Surface area of an irregular package**

(5) For the purposes of these Regulations, the surface area of an irregular package is the area that would be covered by the outer layer of the package if it were opened out and pressed flat.

**Cylindrical packages**

(6) To avoid doubt, it is declared that a reference in these Regulations to a cylindrical package includes a package that is, in one plane, elliptical, rather than circular, in cross-section.

**Adhesive labels**

(7) For the purposes of these Regulations, a message that is printed on an adhesive label attached to a retail package in accordance with regulation 15 is taken to be printed on the package to which the label is attached.



## **8. Retail package must bear warning message and, in certain cases, explanatory message**

Subject to this Division, a retail package of tobacco must bear:

- (a) a warning message and the corresponding explanatory message; or
- (b) if permitted or required by another provision of these Regulations:
  - (i) a warning message, the same warning message repeated and the corresponding explanatory message; or
  - (ii) a warning message and the same warning message repeated.

## **9. Messages on certain smaller packages**

- (1) If the largest face of a retail package (other than an irregular package):
  - (a) has an area of 40 square centimetres or less; and
  - (b) would, but for this subregulation, be required to bear an explanatory message; then—
  - (c) an explanatory message need not be printed on that face; and
  - (d) both that face and the face on which the warning message is to be printed, must bear the same warning message.
- (2) An irregular package that has a total surface area of 145 square centimetres or less must bear a warning message printed on the package twice..

## **10. Format of warning message and explanatory message**

A warning message or an explanatory message must conform to either the New Zealand Regulations or the Australian Regulations.

## **11. Position of warning message and explanatory message**

A warning message must be printed on packages as described in, and contain a warning message that conforms with, the New Zealand Regulations or the Australian Regulations.

## **12. Area to be covered by warning message and explanatory message**

A warning message and an explanatory message must cover an area required by and be in accordance with, the New Zealand Regulations or the Australian Regulations.

### **13. Orientation of message .**

The text of a warning message or an explanatory message must be oriented so as to comply with, the New Zealand Regulations or the Australian Regulations.

### **14. Messages not to be obscured etc.**

(1) If a message that is required by these Regulations to be printed on a retail package is likely to be obscured or obliterated by a wrapper on the package, the message must be printed on both the wrapper and the package.

(2) A message (other than a message on a carton) must not be likely to be obliterated, removed or rendered permanently unreadable when the retail package on which it is printed is opened in the normal way.

### **15. Use of adhesive labels**

(1) A message that is required by these Regulations to be printed on a retail package may be printed on an adhesive label that is affixed to the retail package if it complies with the New Zealand Regulations or the Australian Regulations.

(2) Subregulation (1) does not apply to a flip-top pack or a soft pack.

## **Division 2-Retail packages containing cigarettes**

### **17. Application of Division**

This Division applies to a retail package containing cigarettes.

### **Message to be printed on the side of a retail package of cigarettes**

### **18. Sides of certain packages**

(1) For the purposes of this regulation, a reference to the sides of a retail package containing cigarettes is a reference;

(a) in the case of a cylindrical retail package - to those parts of the curved surface of the package that, if the vertical centre-line of the largest brand-name on the curved surface of the package is taken to be at 0 degrees, extend:

(i) from 60 degrees to 120 degrees; and

(ii) from 240 degrees to 300 degrees;

around the circumference of a flat face of the package; and

(b) in the case of a package that has 2 faces that are hexagonal or octagonal, and of which all the other faces are square or rectangular - to the square or rectangular faces of the package, other than the front and the back; and

(c) in the case of a carton - to the larger 2 of the 4 faces other than the front and the back;

(d) in any other case - to the surfaces of the package, other than the back and the front, that are vertical when the package is held so that the axis of the cigarettes within it is vertical.

### **Front and back**

(2) For the purposes of subregulation (1);

(a) the front of a retail package (other than an irregular package) is that face of the package on which the warning message is required to be printed; and

(b) the back of a retail package (other than an irregular package) is the face:

(i) on which the explanatory message is required to be printed; or

(ii) on which the explanatory message would, but for subregulation 8(1), be required to be printed.

### **Text of message for side of package**

(3) The following message must be printed on a retail package of cigarettes:

“The smoke from each cigarette contains on average:

(xx) milligrams or less of tar-condensed smoke containing many chemicals,

including some that cause cancer;

(yy) milligrams or less of nicotine - a poisonous and addictive drug;

(zz) milligrams or less of carbon monoxide - a deadly gas which reduces the ability of blood to carry oxygen.”.

### **Position of message**

(4) The message required by subregulation (3);

(a) in the case of a retail package other than an irregular package - must be printed:

(i) if both or all of the sides of the package are the same in area - on one side of the package; or

(ii) if one side of the package is larger than the other or others - on the larger or largest side; or .

(iii) if 2 or more sides of the package are larger than the other or others - on one of those larger sides; or .

(b) in the case of an irregular package - may be printed anywhere on the package.

### **Format of message**

(5) The message required by sub-regulation (3) must comply with the type size and the format (including the background) required by and be in accordance with the New Zealand Regulations or the Australian Regulations.

### **Average tar, nicotine and carbon monoxide content of cigarette**

(6) When the message required by subregulation (3) is printed on a retail package, “(xx)”,

(yy)” and “(zz)” are to be replaced by:

(a) the average amount of tar, nicotine or carbon monoxide, respectively, produced by a cigarette of the kind contained in the retail package, when cigarette of that kind are tested according to the testing methods specified in regulation 19; or

(b) if, when cigarettes of that kind are tested according to those testing methods;

(i) the average amount of tar produced by a cigarette does not exceed 15 milligrams; and

(ii) the average amount of nicotine produced by a cigarette does not exceed 1.5 milligrams; and

(iii) the average amount of carbon monoxide produced by a cigarette does not exceed 20 milligrams;

a figure worked out by taking from the column of Schedule 3 that relates respectively to tar, nicotine, or carbon monoxide the lowest figure that is greater than or equal to the average amount of tar, nicotine, or carbon monoxide, respectively, produced by a cigarette of that kind.

(7) Provided that the message required by sub-regulation (3) complies with the requirements of the New Zealand Regulations or the Australian Regulations it shall be deemed to comply with the requirements of sub-regulation (6).

## **19. Testing methods**

(1) The testing methods to be used for the purposes of sub-regulation 18(7) to determine the average amount of tar, nicotine and carbon monoxide produced by a cigarette are the following standard methods published by the International Standards Organisation;

(a) tar-ISO 4387 (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine); .

(b) nicotine-ISO 10315 (Cigarettes-determination of nicotine in smoke condensates-gas chromatographic method);

(c) carbon monoxide-ISO 8454 (Cigarettes-determination of carbon monoxide in the vapour phase of smoke (NDIR method)).

(2) The testing methods specified in subregulation (1) are to be used in accordance with the following standards published by the International Standards Organisation:

(a) ISO 3308 (Routine analytical cigarette-smoking machine-definitions and standard conditions);

(b) ISO 8243 (Cigarettes-sampling);

(c) ISO 3402 (Tobacco and tobacco products-atmosphere for conditioning and testing).

## **Division 3-Cigars**

### **20. Application of Division**

This Division applies to a retail package containing cigars.

### **21. Packages of cigars must bear certain messages**

A retail package containing cigars must bear;

(a) a warning message, and the corresponding explanatory message, in accordance

with Division 1; or

(b) a warning message the warning message repeated, and the corresponding explanatory message, in accordance with regulation 22; or

(c) a warning message and the corresponding explanatory message, in accordance with regulation 23.

## **22. Messages on package with hinged lid**

(1) A warning message and explanatory message may be printed on a retail package in accordance with this regulation if and only if the package has a hinged lid formed by one face of the package.

(2) A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this sub-regulation if the message complies with the New Zealand Regulations or the Australian Regulations for such warning messages.

## **23. Messages on other packages of cigars**

A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this regulation if the warning message and the explanatory message are in accordance with Division 1.

## **SCHEDULE**

Regulation 5

### **Prohibition of the Sale of Tobacco Products to Minors Sign**