



Smoke-free Environments Regulations 2017

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 6th day of June 2017

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 39 and 39A of the Smoke-free Environments Act 1990, on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Smoke-free Environments Regulations 2017.

2 Commencement

These regulations come into force on 14 March 2018.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Smoke-free Environments Act 1990

brand name, in relation to a particular tobacco product, means the primary name by which the product is marketed

carton means a package comprising 2 or more tobacco packages within—

- (a) a container or bag; or
- (b) a wrapper

cigar means a tobacco product that—

- (a) comprises a roll of tobacco leaf or cut tobacco enclosed in intact (not re-constituted) tobacco leaves; and
- (b) to avoid doubt, has no filter tip

cigar package means a tobacco package containing 1 or more cigars

cigar tube means a tube for packaging 1 cigar

cigarette—

- (a) means a tobacco product comprising a roll of cut tobacco enclosed in paper; and
- (b) does not include a cigarillo except as provided in regulation 44

cylindrical means having a circular or elliptical cross-section

displayed, in relation to any package, face, or flap, means displayed on the outside of the package, face, or flap

face, in relation to a package, means a more or less flat area of the surface of the package that is bounded by the edges of the package

flip-top pack means a package of the kind commonly called a flip-top pack, a hinge-top pack, or a hinge-lid box

graphic means a colour graphic set out in the fourth column of Part 1 of Schedule 2 or the third column of Part 2 of that schedule

insert means any thing that is placed inside the packaging of a tobacco product, other than—

- (a) the tobacco product; or
- (b) the lining of a pack of cigarettes that complies with regulation 46

loose tobacco means tobacco prepared for smoking in hand-rolled cigarettes

pack means a pack of tobacco products intended for sale as a single unit but does not include a carton

part of a required message means, in relation to a tobacco package, any warning, explanatory note, you can quit statement, or graphic that forms part of the required message

pouch pack means a package made, from flexible material, in the form of a rectangular pocket with a flap covering the opening

Quitline logo means the logo set out in Part 3 of Schedule 2

rectangular includes square

required message means, in relation to a tobacco package, the message required to be displayed on that package by subpart 1 of Part 1

sides, in relation to a pack of cigarettes, means the surfaces of the pack, except the front and back faces, that are vertical when it is held so that the axis of the cigarettes within it is vertical

soft pack means a package of the kind commonly called a soft package or a soft cup

standardised type means, in relation to a text, type that—

- (a) is clear and legible; and
- (b) is of the same size throughout the text; and
- (c) is of such a size that the text, as nearly as possible, fills the background on which it is printed

tobacco package has the meaning given to it by regulation 4

variant name, in relation to a tobacco product, means the name used to distinguish that tobacco product from other tobacco products of the same brand name

wrapper means a wrapping containing a tobacco package or several tobacco packages

you can quit statement means the statement “You *can* quit smoking”.

4 Meaning of tobacco package

- (1) In these regulations, unless the context otherwise requires, **tobacco package** means a package containing a tobacco product or products and includes a carton.

- (2) A label or sticker securely attached to a tobacco package is part of the tobacco package.
- (3) A wrapper that contains a single tobacco package and is normally removed from the package when the package is opened is not part of the tobacco package.

Compare: SR 2007/39 r 4

5 Shapes and areas

For the purposes of these regulations,—

- (a) in determining the shape of, or the surface area of any part of, a tobacco package,—
 - (i) the package must be considered when it is closed; and
 - (ii) all edges, gaps, and openings that appear when it is opened must be disregarded:
- (b) a face of a tobacco package—
 - (i) has a **portrait orientation** if, when the largest brand name on the face is horizontal, the longest edge of the face is vertical:
 - (ii) has a **landscape orientation** if, when the largest brand name on the face is horizontal, the longest edge of the face is horizontal.

Compare: SR 2007/39 r 5

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

7 Overview of these regulations

- (1) These regulations—
 - (a) require a tobacco package to display a message (a **required message**) relating to the harmful effects of the tobacco product (*see* subpart 1 of Part 1):
 - (b) set out the content of the required message for different kinds of tobacco packages (*see* subpart 1 of Part 1 and Schedule 2):
 - (c) provide for how required messages must be displayed and provide for the rotation of different sets of required messages in specified periods (*see* subparts 2 to 5 of Part 1 and Schedules 3 and 4):
 - (d) state requirements for the purposes of standardising tobacco products and tobacco packages generally and specified kinds of tobacco products and tobacco packages (*see* Part 2):
 - (e) state how information about tobacco products may be displayed—
 - (i) by retailers; and

- (ii) in any offer of a tobacco product for Internet sale; and
 - (iii) on the outside of an automatic vending machine (*see* Part 3):
 - (f) provide for infringement offences (*see* Part 4 and Schedules 5 and 6) and other matters (*see* Part 5 and Schedules 7 and 8).
- (2) This regulation is intended only as a guide to the general scheme and effect of these regulations.

Part 1

Message required to be displayed on tobacco packages

Subpart 1—Content of message

Cigarette packs and cartons

8 Message to be displayed on cigarette packs and cartons

- (1) A cigarette pack or carton must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
 - (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on one side; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
 - (a) the specifications and layout for that tobacco package as described in—
 - (i) item 1 of Part 1 of Schedule 3 for cigarette packs; or
 - (ii) item 2 or 3 (as applicable) of Part 1 of Schedule 3 for cigarette cartons; and
 - (b) the requirements of this Part.

Loose tobacco

9 Message to be displayed on packages of loose tobacco

- (1) A tobacco package containing loose tobacco must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—

- (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on the inside flap; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
- (a) the specifications and layout for that tobacco package as described in item 1 of Part 2 of Schedule 3; and
 - (b) the requirements of this Part.

Pipe tobacco

10 Message to be displayed on packages of pipe tobacco

- (1) A tobacco package containing pipe tobacco must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
 - (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on the outer surface of the base of the package; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
 - (a) the specifications and layout for that tobacco package as described in Part 3 of Schedule 3; and
 - (b) the requirements of this Part.

Cigars

11 Message to be displayed on cigar packages (other than cigar tubes)

- (1) A cigar package other than a cigar tube must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 2 of Schedule 2.
- (3) The message comprises—
 - (a) a warning to be displayed on the front face in English and te reo Māori and on the back face in English; and

- (b) an explanatory note to be displayed on the back face; and
 - (c) a graphic to be displayed on the front face.
- (4) The message must be displayed in accordance with—
- (a) the specifications and layout described in any of items 1 to 6 of Part 4 of Schedule 3 that apply to the cigar package; and
 - (b) the requirements of this Part.

12 Message to be displayed on cigar tubes

- (1) A cigar tube must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 2 of Schedule 2, but does not include an explanatory note or a graphic.
- (3) The message comprises a warning in English and te reo Māori.
- (4) The message must be displayed in accordance with—
- (a) the specifications described in item 7 of Part 4 of Schedule 3; and
 - (b) the requirements of this Part.

Other tobacco products

13 Message to be displayed on packages containing other tobacco products

- (1) A tobacco package containing a tobacco product other than a cigarette, a cigar, or loose or pipe tobacco (for example, a tobacco package containing cigarillos) must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
- (a) a warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed (as applicable) on the side, inside flap, or outer surface of the base of the package; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
- (a) the specifications and layout described in one of the following items that best reflects the shape of the tobacco package:
 - (i) item 1 of Part 1 of Schedule 3;
 - (ii) item 1 of Part 2 of Schedule 3;
 - (iii) item 1 or 2 of Part 3 of Schedule 3; and

- (b) the requirements of this Part.
- (5) If item 1 of Part 1 of Schedule 3 best describes the shape of a tobacco package, the definition of sides in regulation 3 applies to the tobacco package with all necessary modifications.

Subpart 2—Display of required message on tobacco packages containing tobacco products other than cigars

14 Application of this subpart

This subpart applies to tobacco packages containing tobacco products other than cigars.

15 How first warning must be displayed

- (1) This regulation applies to the first warning that must be displayed on—
 - (a) the front face of a tobacco package in English; and
 - (b) the back face of that package in English and te reo Māori.
- (2) The warning on the front face must—
 - (a) be in bold type in black letters on a yellow background; and
 - (b) be in standardised type; and
 - (c) if required, be within a black rectangular border (up to 0.3 mm wide) to prevent printing colour bleeds.
- (3) The warning on the back face must,—
 - (a) for the English element of the warning,—
 - (i) be in bold type in black letters on a yellow background; and
 - (ii) comprise the top 50% of the warning; and
 - (b) for the te reo Māori element of the warning,—
 - (i) be in bold type in white letters on a black background; and
 - (ii) comprise the bottom 50% of the warning; and
 - (c) be in standardised type, except that the English element of the warning and the te reo Māori element of the warning may each be of a different point size.

16 How second warning must be displayed

The second warning that must be displayed on one side, the inside flap, or the base of a tobacco package must be—

- (a) in black letters on a yellow background; and
- (b) in standardised type, except that the word “WARNING” may have a different point size from the rest of the text.

17 Explanatory note

The explanatory note that must be displayed on the back face of a tobacco package must—

- (a) be in black letters on a yellow background, except for the Quitline logo and the sentence referred to in paragraph (b); and
- (b) for the sentence “For support call **0800 778 778** or visit **www.quit.org.nz**”, be in black letters on a white background; and
- (c) be in standardised type, except for the Quitline logo.

18 You can quit statement

The you can quit statement that must be displayed (after the explanatory note) on the back face of a tobacco package must—

- (a) be in Pantone Cool Gray 2C letters on a matt Pantone 448C background; and
- (b) be in standardised type.

Subpart 3—Display of required message on cigar packages**19 Warning on front face**

The warning in English and te reo Māori that must be displayed on the front face of a cigar package must—

- (a) be in bold type in black letters on a yellow background for the English element of the warning; and
- (b) be in bold type in white letters on a black background for the te reo Māori element of the warning; and
- (c) be in Lucida Sans typeface; and
- (d) be in standardised type; and
- (e) if required, be within a black rectangular border (up to 0.3 mm wide) to prevent printing colour bleeds.

20 Warning on back face

The warning that must be displayed on the back face of a cigar package, other than a cigar tube, must—

- (a) be in bold type in black letters on a yellow background; and
- (b) be in Lucida Sans typeface; and
- (c) be in standardised type.

21 Explanatory note

The explanatory note that must be displayed on the back face of a cigar package, other than a cigar tube, must—

- (a) be in black letters on a yellow background, except for the Quitline logo and the sentence referred to in paragraph (b); and
- (b) for the sentence “For support call **0800 778 778** or visit **www.quit.org.nz**”, be in black letters on a white background; and
- (c) be in Lucida Sans typeface; and
- (d) be in standardised type, except for the Quitline logo.

Subpart 4—Other requirements relating to display of required message on tobacco packages

22 Text of required message must match case

The text of any part of a required message displayed on a tobacco package must, unless these regulations provide otherwise, match the upper case and lower case letters of the corresponding text set out in Schedule 2.

23 Graphic must not be distorted except in certain circumstances

- (1) A graphic that is part of a required message must not be distorted except as permitted by subclause (2) or (3).
- (2) A graphic may be cropped if—
 - (a) it is necessary to do so to fit the graphic onto the package; and
 - (b) the overall effect of the graphic is not affected by the cropping.
- (3) If a graphic contains an overlay of a message in text, the overlay may be placed in a different position only if—
 - (a) the overlay is completely contained within the graphic; and
 - (b) the overall effect of the graphic is not affected by the new position of the overlay.

24 Required message must remain readable when package opened in normal way

- (1) A required message on a tobacco package or any part of a required message must not be likely to be obliterated, removed, or rendered permanently unreadable when the package is opened in the normal way.
- (2) This regulation does not apply to cartons.

25 Display of required message on adhesive labels for tobacco packages containing tobacco products other than cigarettes

- (1) This regulation applies to a tobacco package containing a tobacco product other than cigarettes.
- (2) A tobacco package may have 1 or more adhesive labels affixed to it to display a required message or part of a required message.
- (3) The adhesive label must be—

- (a) affixed to the surface of the package on which the required message or part of the required message must be displayed; and
- (b) fastened firmly to the package so as not to be easily removable without significant destruction of the package.

Subpart 5—Rotation of required messages

Tobacco products other than cigars

26 Rotation of required messages on tobacco packages containing tobacco products other than cigars

- (1) This regulation applies to—
 - (a) a manufacturer of tobacco packages for tobacco products other than cigars; and
 - (b) an importer of those tobacco packages; and
 - (c) a person who packages, or arranges for the packaging of, those tobacco products.
- (2) A manufacturer, importer, or person to whom this regulation applies must, in relation to the specified periods,—
 - (a) print the relevant required messages on the tobacco packages (or ensure that they are printed on the tobacco packages); and
 - (b) ensure that, during those specified periods, each relevant required message appears as nearly as possible on an equal number of tobacco packages of each different brand of the tobacco product (for example, each different brand of cigarettes or loose tobacco).
- (3) The relevant required messages and specified periods are—
 - (a) the required messages set out in items 1 to 7 of Part 1 of Schedule 2 for—
 - (i) the period beginning on 14 March 2018 and ending on 31 May 2019;
 - (ii) the period of 16 months beginning on 1 February 2020 or any later even-numbered year;
 - (b) the required messages set out in items 8 to 14 of Part 1 of Schedule 2 for—
 - (i) the period beginning on 1 February 2019 and ending on 31 May 2020;
 - (ii) the period of 16 months beginning on 1 February 2021 or any later odd-numbered year.
- (4) For the purposes of subclause (2)(b), tobacco products (for example, cigarettes) are of a **different brand** if—

- (a) they are sold under different brand names; or
- (b) they are sold under the same brand name, but differ in 1 or more of the following ways:
 - (i) containing or not containing menthol:
 - (ii) being otherwise differently flavoured:
 - (iii) producing different quantities of tar:
 - (iv) having or not having filter tips or cork tips:
 - (v) being sold in tobacco packages containing different numbers of pieces:
 - (vi) being of different length or mass.

Compare: SR 2007/39 r 11

27 Changeover of required messages: tobacco packages containing tobacco products other than cigars

- (1) In the period of 4 months beginning on 1 February in 2019 or any later year, a tobacco package containing a tobacco product other than cigars may display the required message set out in any of items 1 to 14 of Part 1 of Schedule 2.
- (2) However, the requirements of regulation 26 must still be satisfied for each period to which it applies.

Cigars

28 Rotation of required messages on cigar packages

- (1) This regulation applies to—
 - (a) a manufacturer of tobacco packages for cigars; and
 - (b) an importer of those tobacco packages; and
 - (c) a person who packages, or arranges for the packaging of, cigars.
- (2) A manufacturer, an importer, or person to whom this regulation applies must, in relation to each 12-month period beginning on 1 March in any year,—
 - (a) print the required messages set out in items 1 to 5 of Part 2 of Schedule 2 on the tobacco packages (or ensure that they are printed on the tobacco packages); and
 - (b) ensure that, during that 12-month period, each required message appears as nearly as possible on an equal number of tobacco packages of each different brand of cigars.
- (3) For the purposes of subclause (2)(b), cigars are of a **different brand** if—
 - (a) they are sold under different brand names; or
 - (b) they are sold under the same brand name, but differ in 1 or more of the following ways:

- (i) being differently flavoured:
- (ii) being sold in tobacco packages containing different numbers of pieces:
- (iii) being of different length or mass.

Compare: SR 2007/39 r 15

Part 2

Standardisation requirements for tobacco products and packages

Subpart 1—Colour and smell of tobacco

29 Colour of tobacco

The colour of tobacco in a tobacco product must be the natural colour of dried tobacco.

30 Smell of tobacco

- (1) A tobacco product may, subject to subclause (2), smell only of manufactured tobacco.
- (2) The smell of manufactured tobacco may include the smell of an additive or a flavouring that—
 - (a) is of a kind that was added or used to flavour tobacco products for sale in New Zealand on or before 31 May 2016; and
 - (b) has been declared in a return filed under section 35(1)(a)(i) of the Act for sales on or before 31 May 2016.

Subpart 2—Text and other markings that may appear on tobacco packages

31 Text or alphanumeric marking on tobacco packages

- (1) Any text or alphanumeric marking on a tobacco package must, unless these regulations provide otherwise,—
 - (a) be coloured Pantone Cool Gray 2C;
 - (b) be in Lucida Sans typeface using a normal weighted regular font;
 - (c) use only the following characters and symbols:
 - (i) the lower-case letters of the English alphabet, except as provided in subclause (2); and
 - (ii) the numerals 0 to 9; and
 - (iii) the ampersand symbol (&); and
 - (iv) the at symbol (@), but only if the symbol is used in an email address.

- (2) Despite subclause (1)(c)(i), an upper-case letter may be used—
- (a) if the letter is the initial letter of a proper noun or the initial letter of a sentence; and
 - (b) up to 3 times in a brand name.

32 Brand name and variant name

- (1) A brand name may be displayed on a tobacco package if it—
- (a) appears,—
 - (i) if the package contains loose or pipe tobacco or is a cigar package (other than a cigar tube), only on the front and back surface of the package; or
 - (ii) if the package is a cigar tube, only on the front surface of the tube; or
 - (iii) if the package contains any other tobacco product, only on the front surface and the 2 smallest surfaces of the package; and
 - (b) takes up only 1 line on each surface on which it appears; and
 - (c) appears below, and in the same orientation as, any part of a required message on that surface; and
 - (d) is no longer than 50 mm; and
 - (e) does not obscure any part of a required message on that surface; and
 - (f) is no larger than 14 pt font size.
- (2) A variant name may be displayed on a tobacco package if it—
- (a) appears below a brand name; and
 - (b) is no longer than 35 mm; and
 - (c) is no larger than 10 pt font size; and
 - (d) complies with subclause (1)(a) to (c) and (e).

33 Company name

A company name may be displayed on a tobacco package if it—

- (a) is displayed on a surface of the package that does not display the part of the required message known as the second warning; and
- (b) is in Lucida Sans typeface; and
- (c) is no larger than 10 pt font size.

34 Bar code

A bar code may be displayed once on a tobacco package. The bar code must—

- (a) appear on a surface of the package that does not display a part of a required message; and

- (b) be rectangular; and
- (c) be coloured black on a white background.

35 Details of manufacturer or importer

- (1) Any or all of the following details may be displayed on a tobacco package in accordance with subclause (2):
 - (a) the name, address, email address, or telephone number of the manufacturer or the importer:
 - (b) the country of manufacture:
 - (c) the country of the importer:
 - (d) an alphanumeric code used to distinguish the origin of the tobacco product.
- (2) The details must—
 - (a) appear on the back surface or surface on which there is a bar code; and
 - (b) appear in the same orientation as any other text on that surface; and
 - (c) be no larger than 10 pt font size.

Subpart 3—Wrapper and outer surface of tobacco packages

36 Tobacco package wrapper

- (1) A tobacco package may have a wrapper.
- (2) The wrapper must be transparent and must not be coloured, marked, textured, or embellished in any way.
- (3) Subclause (2) does not apply to a tear strip described in regulation 37.
- (4) If the wrapper covers more than 1 individually wrapped item,—
 - (a) it may have a rectangular bar code that is coloured black on a white background; and
 - (b) it may be marked with a matt Pantone 448C rectangle to conceal the bar code of each individually wrapped item, but the size of the rectangle must be no larger than is necessary to conceal the bar code of each individually wrapped item.

37 Tear strip of tobacco package wrapper

The tear strip of a wrapper of a tobacco package must—

- (a) be no more than 3 mm wide;
- (b) be transparent or partially or fully coloured matt Pantone 448C;
- (c) if it is the tear strip of a wrapper of a pack of cigarettes, be located at the bottom edge of the lid;
- (d) not obscure any part of a required message.

38 Outer surfaces of tobacco package

The outer surfaces of a tobacco package (other than the wrapper) must have only matt Pantone 448C as a background colour.

Subpart 4—Prohibited features**39 Tobacco package must not have scent or noise making feature to promote tobacco product**

- (1) A tobacco package must not—
 - (a) have or make any scent that could have the effect of promoting a tobacco product:
 - (b) contain any feature designed to bring about any noise that could have the effect of promoting a tobacco product.
- (2) Subclause (1)(a) does not prohibit any smell that is normally associated with a tobacco package.

40 Tobacco package must not have feature designed to alter package after sale

- (1) A tobacco package must not have any feature that is designed to alter the appearance of the package after sale.
- (2) A feature described in subclause (1) includes, without limitation, any of the following:
 - (a) heat-activated inks:
 - (b) inks or embellishments designed to appear gradually over time:
 - (c) inks that appear fluorescent in certain light:
 - (d) panels designed to be scratched or rubbed to reveal an image or text:
 - (e) removable tabs:
 - (f) fold-out panels.

41 Tobacco package must not contain inserts

A tobacco package must not contain any inserts.

Subpart 5—Individual cigarettes**42 Dimensions and features of cigarette**

- (1) A cigarette must—
 - (a) be cylindrical with flat ends; and
 - (b) be no less than 7 mm and no more than 9 mm in diameter; and
 - (c) be no longer than 95 mm; and
 - (d) have enclosing paper that is coloured plain white.

- (2) The filter tip (if any) of a cigarette must—
 - (a) be made of white material; and
 - (b) be coloured plain white or imitation cork on the outside; and
 - (c) not contain printing or embellishment of any kind.

43 Printed code on cigarette

- (1) A cigarette may have a printed code for the purposes of tracking and tracing tobacco products.
- (2) The printed code must—
 - (a) appear horizontally across the cigarette in 1 line; and
 - (b) appear—
 - (i) within 10 mm of the filter of the cigarette; or
 - (ii) on one end of the cigarette if the cigarette has no filter; and
 - (c) be coloured matt Pantone 448C; and
 - (d) be in Lucida Sans typeface that is no larger than 8 pt font size; and
 - (e) use only the characters and symbols described in regulation 31(1)(c); and
 - (f) convey no other information to the consumer.

Subpart 6—Cigarette packs and cartons

Cigarette packs

44 Number of cigarettes in pack

- (1) A pack of cigarettes must contain only 20 or 25 cigarettes.
- (2) A statement of the number of cigarettes in a pack—
 - (a) may appear on any surface of the pack on which there is a brand name; and
 - (b) must appear in the same orientation as any other text on that surface; and
 - (c) must be no larger than 10 pt font size.
- (3) In this regulation only, **cigarettes** includes cigarillos.

45 Dimensions and features of pack of cigarettes

- (1) A pack of cigarettes must be—
 - (a) rectangular in shape; and
 - (b) no less than 85 mm and no more than 98 mm high; and
 - (c) no less than 55 mm and no more than 72 mm wide; and
 - (d) no less than 20 mm and no more than 30 mm deep.

- (2) A pack of cigarettes must be made of rigid cardboard and be constructed so that—
- (a) each surface—
 - (i) is flat with no irregularities; and
 - (ii) meets the adjoining surface with rigid straight edges; and
 - (b) it opens and closes only by way of a straight-edged flip-top lid that is hinged at the back of the pack.

46 How pack of cigarettes may be lined

A pack of cigarettes may be lined. The lining must—

- (a) be made of silver foil that is no more than 0.5 mm thick; and
- (b) be coloured white on the inner side; and
- (c) not be textured; and
- (d) be fixed to the inside of the pack and not easily detachable.

Cigarette cartons

47 Number of packs in carton of cigarettes

A carton of cigarettes must hold no more than 10 packs of cigarettes.

48 Carton may have serrations

A carton of cigarettes may have serrations at the opening edges of the carton.

Subpart 7—Loose and pipe tobacco

49 Weight of loose or pipe tobacco in package

- (1) A tobacco package containing loose or pipe tobacco must contain only 30 g or 50 g of manufactured tobacco.
- (2) A statement of the weight of loose or pipe tobacco—
 - (a) may be displayed on any surface of the pack on which there is a brand name; and
 - (b) must be in the same orientation as any other text on that surface; and
 - (c) must be no larger than 10 pt font size.

50 Dimensions and features of loose tobacco package

A tobacco package containing loose tobacco must conform to the following requirements:

- (a) it must be a rectangular pouch made from soft plastic;
- (b) each surface must be flat with no irregularities;
- (c) its lining (if any) must—

- (i) be transparent and not coloured; and
- (ii) be made of plastic:
- (d) its opening flaps must be sealed by a resealable transparent tab.

51 Tobacco package containing pipe tobacco

A tobacco package that contains pipe tobacco may be made of tin.

Subpart 8—Cigars

52 How cigars may be sold

Cigars may be sold only—

- (a) in a cigar tube containing a single cigar; or
- (b) in a pack, carton, or bag containing 1 or more cigars.

53 Bands on cigars

- (1) A single band may be displayed around the circumference of a cigar.
- (2) The band must be coloured matt Pantone 448C.
- (3) The band may be an adhesive band that—
 - (a) completely covers another band or bands; and
 - (b) is fastened firmly to, and not easily removable from, the band or bands that it covers.
- (4) Any or all of the following marks may be displayed once on the band:
 - (a) the brand name of the cigar:
 - (b) the variant name of the cigar:
 - (c) the name of the country of manufacture:
 - (d) an alphanumeric code.
- (5) The marks described in subclause (4) must use only the characters and symbols described in regulation 31(1)(c).

Part 3

How information about tobacco products must be provided

54 Notice that retailer may display under section 23(1)(b) of Act indicating availability and location of tobacco products generally

- (1) This regulation applies to a notice that a retailer may display for the public in the retailer's place of business indicating the fact that, and the location or locations where, tobacco products in general are available for purchase in that place.
- (2) The notice must not be larger than A4 size.

- (3) The information in the notice must be printed or handwritten in black on a white background.
- (4) The notice must contain only the following information:
 - (a) the words “TOBACCO AVAILABLE HERE”, in lettering not larger than the typeface known as Helvetica 70 pt; and
 - (b) the words “No sales to persons under the age of 18”, in lettering not smaller than the typeface known as Helvetica 40 pt.
- (5) The notice—
 - (a) may be displayed only where the tobacco is stored or where the tobacco can be purchased; and
 - (b) must be displayed together with—
 - (i) a graphic (of the same size as the notice) from an item in Part 1 of Schedule 2; and
 - (ii) the first warning in English and te reo Māori from that same item; and
 - (c) must not be displayed so as to be visible from outside the retailer’s place of business.
- (6) The number of notices that may be displayed inside a retailer’s place of business is as follows:
 - (a) only 1 notice if the retailer’s place of business is less than 200 m²;
 - (b) not more than 2 notices if the retailer’s place of business is 200 m² or more but not more than 500 m²;
 - (c) not more than 3 notices if the retailer’s place of business is more than 500 m².
- (7) For the purposes of subclause (6), the size of a retailer’s place of business is the area within the place of business to which, generally, members of the public have access.

55 How information about tobacco products offered for Internet sale must be provided

- (1) This regulation specifies, for the purposes of section 23(3)(b) of the Act, requirements in relation to the offer of a tobacco product for Internet sale.
- (2) The information, which is limited by section 23(3)(a) of the Act to identifying the tobacco product and indicating its price, must—
 - (a) be provided in a way that is printable but not editable; and
 - (b) when displayed, comply with the requirements of subclauses (3) to (6).
- (3) The information must be in the form of printed or handwritten words in black on a white background.
- (4) The information must be—

- (a) limited to the brand of tobacco product, the variant, the amount or quantity or size, and the price; and
 - (b) in the form of printed or handwritten black lettering that is not larger than the typeface known as Helvetica 16 pt.
- (5) At the top and bottom of each page containing the product and price information, there must be a health warning—
- (a) that says—
“SMOKING KILLS
Ka mate koe i te kai hikareti”:
 - (b) the first line of which must not be smaller than the typeface known as Helvetica 70 pt:
 - (c) the second line of which must not be smaller than the typeface known as Helvetica 40 pt.
- (6) At the bottom of each page, below the health warning, there must be the following information, which must not be smaller than the typeface known as Helvetica 22 pt:
- “No sales to persons under the age of 18”.

56 Information that must be provided inside retailer’s place of business in response to request

- (1) This regulation specifies, for the purposes of section 23(1)(a)(ii) of the Act, requirements in relation to product and price information provided in printed or handwritten form inside a retailer’s place of business to a person who has asked to purchase a specified tobacco product or any available tobacco product.
- (2) The information must be printed or handwritten in black on 1 or more sheets of plain white paper that are no larger than A4 size.
- (3) The information must be—
 - (a) limited to the brand of tobacco product, the variant, the amount or quantity or size, and the price; and
 - (b) printed or handwritten in black lettering that is not larger than the typeface known as Helvetica 16 pt.
- (4) At the top and bottom of each page on the same side as the product and price information appears, there must be a health warning—
 - (a) that says—
“SMOKING KILLS
Ka mate koe i te kai hikareti”:
 - (b) the first line of which must not be smaller than the typeface known as Helvetica 70 pt:

- (c) the second line of which must not be smaller than the typeface known as Helvetica 40 pt.
- (5) At the bottom of each page, below the health warning, there must be the following information, which must not be smaller than the typeface known as Helvetica 22 pt:
“No sales to persons under the age of 18”.
- (6) Each page on which the product and price information appears must have a continuous solid black border along each edge of the page.

57 Provision of information about tobacco products offered by way of automatic vending machine

- (1) This regulation specifies, for the purposes of section 23(2) of the Act, requirements in relation to a notice for the public that is limited to identifying tobacco products and their prices and that may be displayed on the outside of an automatic vending machine that offers tobacco products for sale.
- (2) A notice must—
 - (a) contain information about tobacco products that are available only from the automatic vending machine; and
 - (b) otherwise comply with the requirements set out in regulation 56(2) to (6).

**Part 4
Infringement offences**

58 Infringement fees for infringement offences

The infringement fee for an infringement offence is the fee specified in relation to the offence in the third column of Schedule 5.

59 Infringement and reminder notices

- (1) An infringement notice in relation to an infringement offence must be in form 1 set out in Schedule 6.
- (2) A reminder notice in relation to an infringement offence must be in form 2 set out in Schedule 6.

**Part 5
Other matters**

60 Price lists given to retailers

For the purposes of section 22A(a) of the Act, price lists given to retailers of tobacco products must contain the message “Smoking Causes Fatal Diseases”

on each side of every page, in 24 pt type, in upper-case Univers Medium Condensed roman typeface.

Compare: SR 2007/39 r 27

61 Manufactured cigarettes to be tested

Manufactured cigarettes are a prescribed class of tobacco products for the purposes of section 33 of the Act.

Compare: SR 2007/39 r 28

62 Conduct of tests of manufactured cigarettes

Tests for the harmful constituents of brands of manufactured cigarettes, and the respective quantities of those constituents present in the smoke, must be conducted in accordance with the following standard methods published by the International Organization for Standardization (**ISO**):

- (a) for tar, ISO 4387:2000 (Cigarettes—Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine):
- (b) for nicotine, ISO 10315:2013 (Cigarettes—Determination of nicotine in smoke condensates—Gas-chromatographic method):
- (c) for carbon monoxide, ISO 8454:2007 (Cigarettes—Determination of carbon monoxide in the vapour phase of cigarette smoke—NDIR method):
- (d) for tar, nicotine, and carbon monoxide, in addition to the applicable standard method specified in paragraph (a), (b), or (c),—
 - (i) ISO 3308:2012 (Routine analytical cigarette-smoking machine—Definitions and standard conditions); and
 - (ii) ISO 8243:2013 (Cigarettes—Sampling); and
 - (iii) ISO 3402:1999 (Tobacco and tobacco products—Atmosphere for conditioning and testing).

Compare: SR 2007/39 r 29

63 Returns and reports

- (1) A return required by section 35(1)(a) of the Act to be filed with the Director-General must be in the form in Schedule 7.
- (2) A report required by section 35(1)(b) of the Act to be filed with the Director-General must be in the form in Schedule 8.

Compare: SR 2007/39 r 32

Revocation

64 Revocation

The Smoke-free Environments Regulations 2007 (SR 2007/39) are revoked.

Schedule 1
Transitional, savings, and related provisions

r 6


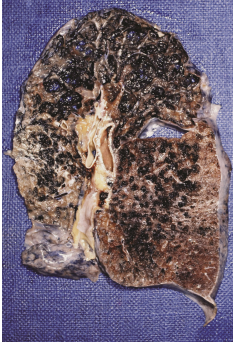
Part 1
Provision relating to these regulations as made

1 Transitional provisions in Schedule of Act apply



The transitional provisions set out in the Schedule of the Act (as inserted by the Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016) apply.


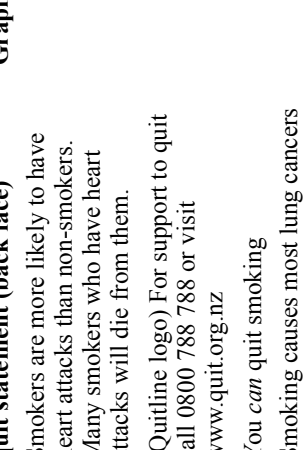
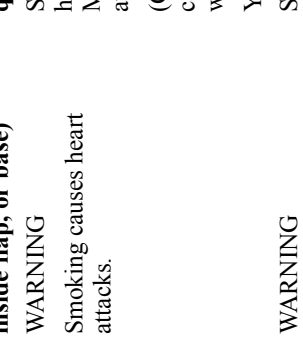
Schedule 2
Content of required message


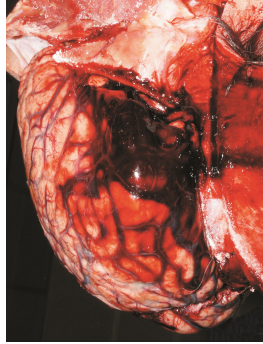
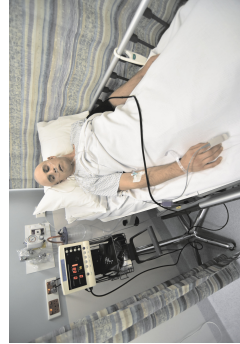
Part 1
Message that must be displayed on packages of tobacco products other than cigars

Item	First warning (front face and back face) ¹	Second warning (side, inside flap, or base)	Explanatory note and you can quit statement (back face)	Graphic (front face and back face)
1	SMOKING CAUSES HEART ATTACKS KA PĀ MAI NGĀ MANAWA-HĒ I TE KAI PAIPA	WARNING Smoking causes heart attacks.	Smokers are more likely to have heart attacks than non-smokers. Many smokers who have heart attacks will die from them. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking	
2	SMOKING CAUSES OVER 80% OF LUNG CANCERS NEKE ATUI TE 80% O NGĀ MATE PUKUPUKU KI NGĀ PUKAHUKAHU I AHU MAI I TE KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that cause lung cancer.	Over 80% of lung cancers are caused by smoking. Most people diagnosed with lung cancer will die from it. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking	

<p>Item</p> <p>3</p>	<p>First warning (front face and back face)¹</p> <p>SMOKING HARMS YOUR BABY BEFORE IT IS BORN</p> <p>KA TŪKINOHIA TŌ PĒPI I TŌ KŌPŪ I TE KAI PAIPA</p>	<p>Second warning (side, inside flap, or base)</p> <p>WARNING</p> <p>Smoking increases the risk of premature birth, stillbirth and infant death.</p>	<p>Explanatory note and you can quit statement (back face)</p> <p>Smoking greatly increases the risk of babies being born too small, too early or stillborn.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>	<p>Graphic (front face and back face)</p>  	<p>Children exposed to smoking are more likely to suffer from ear infections, breathing problems and asthma. Babies exposed to smoking are much more likely to die suddenly.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p> <p>People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p> 
<p>4</p>	<p>YOUR SMOKING HARMS OTHERS</p> <p>KA TŪKINOHIA ĒTAHI ATU I Ō MAHI KAI PAIPA</p>	<p>WARNING</p> <p>Tobacco smoke contains many poisonous chemicals that cause serious illnesses in children.</p>	<p>Children exposed to smoking are more likely to suffer from ear infections, breathing problems and asthma. Babies exposed to smoking are much more likely to die suddenly.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>		<p>Children exposed to smoking are more likely to suffer from ear infections, breathing problems and asthma. Babies exposed to smoking are much more likely to die suddenly.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>
<p>5</p>	<p>SMOKING IS A MAJOR CAUSE OF STROKE</p> <p>KA PIKI AKE I TE KAI PAIPA TŌ TUPONO KI TE IKURA RORO</p>	<p>WARNING</p> <p>Tobacco smoke contains many poisonous chemicals that cause strokes.</p>	<p>People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>		<p>People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>

<p>Item 6</p>	<p>First warning (front face and back face)¹ SMOKING DAMAGES YOUR BLOOD VESSELS KA TŪKINOHIA Ō IA TOTO I TE KAI PAIPA</p>	<p>Second warning (side, inside flap, or base) WARNING Poisonous chemicals in tobacco smoke damage your blood vessels and make you more likely to need amputations.</p>	<p>Explanatory note and you can quit statement (back face) Smoking harms your blood vessels. Smokers are more likely to get gangrene and need amputations. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking</p>	<p>Graphic (front face and back face)</p>	
<p>7</p>	<p>SMOKING IS NOT ATTRACTIVE KA ANUANU KOE I TE KAI PAIPA</p>	<p>WARNING Tobacco smoke contains many poisonous chemicals that harm your appearance as well as your health.</p>	<p>Smoking harms your health and damages your appearance. Smoking causes your skin to wrinkle and age quickly. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking</p>		

<p>Item 8</p>	<p>First warning (front face and back face)¹ SMOKING CAUSES HEART ATTACKS KA PĀ MAI NGĀ MANAWA-HĒ I TE KAI PAIPA</p>	<p>Second warning (side, inside flap, or base) WARNING Smoking causes heart attacks.</p> <p>WARNING Tobacco smoke contains many poisonous chemicals that cause lung cancer.</p>	<p>Explanatory note and you can quit statement (back face) Smokers are more likely to have heart attacks than non-smokers. Many smokers who have heart attacks will die from them. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking Smoking causes most lung cancers in New Zealand. Most people diagnosed with lung cancer will die from it. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking</p>	<p>Graphic (front face and back face)</p> 
<p>9</p>	<p>SMOKING CAUSES LUNG CANCER KA PĀ MAI TE MATE PUKUPUKU KI NGĀ PŪKAHUKAHU I TE KAI PAIPA</p>	<p>WARNING Tobacco smoke contains many poisonous chemicals that cause lung cancer.</p>	<p>Explanatory note and you can quit statement (back face) Smoking causes most lung cancers in New Zealand. Most people diagnosed with lung cancer will die from it. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking</p>	
<p>10</p>	<p>SMOKING WHEN PREGNANT HARMS YOUR BABY KA TŪKINOHIA TŌ PĒPI I TE KAI PAIPA I A KOE E HAPŪ ANA</p>	<p>WARNING Tobacco smoke contains many poisonous chemicals that harm unborn babies.</p>	<p>Explanatory note and you can quit statement (back face) Smoking during pregnancy poisons your baby and increases the chance of sudden death. Quit now and protect your baby. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz You <i>can</i> quit smoking</p>	

Item 11	<p>First warning (front face and back face)¹</p> <p>YOUR SMOKING HARMS CHILDREN KA TŪKINOHIA NGĀ TAMARIKI I Ō MAHI KAI PAIPA</p>	<p>Second warning (side, inside flap, or base)</p> <p>WARNING</p> <p>Tobacco smoke contains many poisonous chemicals that harm children.</p>	<p>Explanatory note and you can quit statement (back face)</p> <p>Secondhand smoke is harmful. Smoking around your children makes them more likely to suffer from serious and potentially fatal diseases like meningitis, pneumonia and asthma.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p> <p>People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>	<p>Graphic (front face and back face)</p>	
12	<p>SMOKING IS A MAJOR CAUSE OF STROKE KA PIKI AKE I TE KAI PAIPA TŌ TŪPONO KI TE IKURA RORO</p>	<p>WARNING</p> <p>Tobacco smoke contains many poisonous chemicals that cause strokes.</p>	<p>People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>		
13	<p>QUIT BEFORE IT IS TOO LATE ME WHAKAMUTU KEI RIRO KOE</p>	<p>WARNING</p> <p>Tobacco smoke contains many poisonous chemicals that cause fatal heart attacks and lung diseases.</p>	<p>Many people who smoke develop heart and lung disease and suffer a reduced quality of life. Quit now and save your life.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p> <p>You <i>can</i> quit smoking</p>		

Item 14	First warning (front face and back face)¹ SMOKING CAUSES GUM DISEASE AND STINKING BREATH KA PĀ TE MATE PŪNIHO, KA HAUNGA TŌ HĀ I TE KAI PAIPA	Second warning (side, inside flap, or base) WARNING Tobacco smoke contains many poisonous chemicals that cause stinking breath and tooth loss.	Explanatory note and you can quit statement (back face) Smoking damages your gums. Smoking can destroy the gum, bones and tissue supporting your teeth and lead to tooth loss. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz	Graphic (front face and back face)
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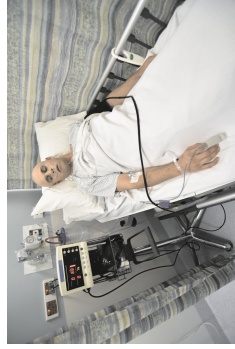


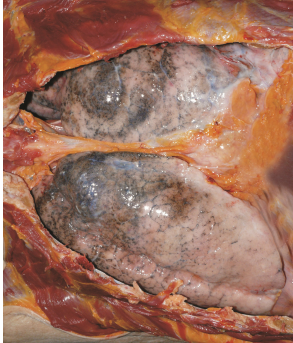

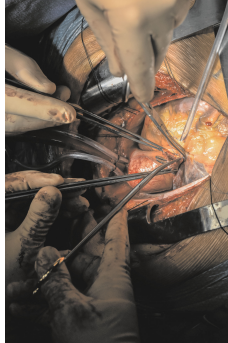
¹ The first warning must be displayed on the front face in English and on the back face in English and te reo Māori.


Part 2

Message that must be displayed on cigar packages

Item 1	Warning (Front face and back face)¹ CIGAR SMOKE IS TOXIC HE PAIHANA TE AU/AHI HIKĀ	Explanatory note (Back face)² Cigar smoke contains high concentrations of toxins and irritants. Taking in this toxic mix can damage the body's cells, resulting in many diseases including cancer, heart disease and respiratory disease.	Graphic (Front face)³
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Item	Warning (Front face and back face) ¹	Explanatory note (Back face) ²	Graphic (Front face) ³
2	CIGAR SMOKING CAUSES LUNG CANCER KA MATE PUKUPUKU Ā PŪKAHUKAHU I TE MOMI HIKĀ	Cigar smoking increases your risk of lung cancer even if you do not inhale. Your lung cancer risk increases greatly if you inhale the smoke. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz	
3	CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS KA TŪKINO ŌU NIHO ŌU PŪNIHO I TE MOMI HIKĀ	Cigar smoking damages your gums. Smoking cigars can destroy the gums, bones and tissues supporting your teeth and lead to tooth loss. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz	
4	CIGARS ARE NOT A SAFE ALTERNATIVE TO CIGARETTES ĒHARA I TE MEA HE HAUMARU AKE TE HIKĀ KI TE HIKARETI	Cigar smoking, particularly if you inhale, increases your risk of mouth and throat cancer, heart disease and lung disease. (Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz	

Item	Warning (Front face and back face) ¹	Explanatory note (Back face) ²	Graphic (Front face) ³
5	<p>DON'T LET CHILDREN BREATHE YOUR SMOKE</p> <p>KAUA E TUKUA NGĀ TAMARIKI KIA NGONGO I TŌ AUAHI HIKARETI</p>	<p>Cigar smoke is harmful. Smoking around your children makes them more likely to suffer from serious and potentially fatal diseases like meningitis, pneumonia and asthma.</p> <p>(Quitline logo) For support to quit call 0800 788 788 or visit www.quit.org.nz</p>	

¹ The warning must be displayed on the front face in English and te reo Māori and on the back face in English.

² The explanatory note is not required for cigar tubes.

³ The graphic is not required for cigar tubes.

Part 3
Quitline logo



Schedule 3 Specifications and layout for required message

Part 1 Tobacco packages containing cigarettes

Item 1 Face Content	Cigarette pack Front face First warning (in English only) and graphic.	Back face First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	Side Second warning.
Specifications	The above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; (c) extend as close as possible to the side edges of the front face. The warning must cover the whole of the flip-top portion. No graphic is to be obscured when the flip-top lid is closed.	The above content, other than the you can quit statement, must— (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face. The you can quit statement must cover the remaining 10% of the total area of the back face. If the back outer surface has a fold line along which a flip-top bends when it is opened, the first warning that is in English must cover the area above the fold line.	The above content must cover the total area of a side of the pack, except the area that forms part of the flip-top.
			The graphic must be positioned directly below the first warning in English and te reo Māori.

Layout	Front layout 1 specified in Part 1 of Schedule 4.	Back layout 1 specified in Part 1 of Schedule 4.
Item 2 Face Content	<p>Vertical carton of cigarettes <i>Front face</i> First warning (in English only) and graphic.</p> <p>The above content must—</p> <p>(a) cover at least 75% of the total area of the front face; and</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</p> <p>(c) extend as close as possible to the side edges of the front face.</p>	<p><i>Back face</i> First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.</p> <p>The above content, other than the you can quit statement, must,—</p> <p>(a) if the back face is partially obscured by a seal,—</p> <p>(i) cover as much of the remainder of the back face as practicable; and</p> <p>(ii) in any case, cover at least 90% of the remaining area of the back face; and</p> <p>(b) in any other case, cover at least 90% of the total area of the back face; and</p> <p>(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and</p> <p>(d) extend as close as possible to the side edges of the back face.</p> <p>The you can quit statement must cover the remaining 10% of the total area of the back face.</p> <p>If the back outer surface has a fold line along which a flip-top bends when it is opened, the first warning that is in English must cover the area above the fold line.</p>
Specifications		<p><i>Side</i> Second warning.</p> <p>The above content must cover 25% of the total area of a side of the carton.</p>

	The graphic must be positioned directly below the first warning in English and te reo Māori.	
Layout	Back layout 1 specified in Part 1 of Schedule 4.	Front layout 1 specified in Part 1 of Schedule 4.
Item 3		Horizontal carton of cigarettes
Face	<i>Back face</i>	<i>Front face</i>
Content	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	First warning (in English) and graphic.
Specifications	The above content, other than the you can quit statement, must,—	The above content must—
	(a) if the back face is partially obscured by a seal,—	(a) cover at least 75% of the total area of the front face; and
	(i) cover as much of the remainder of the back face as practicable; and	(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and
	(ii) in any case, cover at least 90% of the remaining area of the back face; and	(c) be positioned as close as possible to the left-hand edge of the front face.
	(b) in any other case, cover at least 90% of the total area of the back face; and	
	(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and	
	(d) extend as close as possible to the side edges of the back face.	
	The you can quit statement must cover the remaining 10% of the total area of the back face.	
	<i>Side</i>	
	Second warning.	
	The above content must cover 25% of the total area of a side of the carton, except the area that forms part of the flip-top.	

Layout	Front layout 2 or 3 specified in Part 1 of Schedule 4.	Back layout 2 specified in Part 1 of Schedule 4.
Part 2		
Tobacco packages containing loose tobacco		
Item 1	Pouch	<i>Inside flap</i>
Face	<i>Front face</i> (the largest face of the pouch that is not overlapped by the flap of the pouch)	<i>Back face</i> (the face, comprising the flap, opposite to the front face)
Content	First warning (in English only) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.
Specifications	For a front face with portrait orientation, the above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face. For a front face with landscape orientation, the first warning and graphic must— (a) cover at least 75 % of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top and left-hand sides of the front face.	The above content must be printed within a rectangle measuring at least 80 mm × 25 mm that is positioned— (a) in the centre of the inside of the pouch, under the flap, and as close as possible to the top edge of the sealed inner pouch; or (b) in the centre of the inside surface of the flap that folds over the back face.
Layout	For a front face with portrait orientation, front layout 1 specified in Part 1 of Schedule 4. For a front face with landscape orientation, front layout 2 or 3 specified in Part 1 of Schedule 4.	Back layout 3 specified in Part 1 of Schedule 4 must be used if the front face has a portrait orientation.

Back layout 2 specified in Part 1 of Schedule 4 must be used if the front face has a landscape orientation.

Part 3

Tobacco packages containing pipe tobacco

Item 1	Cylindrical-shaped package with height of at least 41 mm	<i>Outer surface of base of package</i>
Face	<i>Front face</i> (the curved surface of the cylinder that extends one-twelfth of the circumference of the package each side of the vertical centre line of the largest brand name appearing on that surface)	<i>Back face</i> (the face of the cylinder that is opposite to the front face)
Content	First warning (in English) and graphic.	Second warning.
Specifications	The above content must—	The above content must cover at least 25% of the total area of the outer surface of the base of the package.
	(a) cover at least 75% of the total area of the front face; and	(a) cover at least 75% of the total area of the back face; and
	(b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the first warning will not be obscured, severed, or obliterated when the package is opened.	(b) be positioned parallel to, and as close as possible to, the top edge of the back face so that no part of the content will be obscured, severed, or obliterated when the package is opened.
Layout	Front layout 1 specified in Part 1 of Schedule 4.	Back layout 1 specified in Part 1 of Schedule 4.
Item 2	Cylindrical-shaped package or tin with height less than 41 mm	<i>Outer surface of base of package</i>
Face	<i>Front face</i> (the outer surface of the lid of the package or tin)	<i>Back face</i> (the outer face of the base of the package or tin)
Content	First warning (in English only) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.
		Second warning.

The above content must cover at least 25% of the outer surface of the base of the package.

The above content must cover at least 60% of the total area of the back face.

- The above content must—
- (a) cover at least 60% of the total area of the front face; and
 - (b) be positioned parallel to the largest brand name on the front face.

Part 4

Cigar packages

Specifications

Item 1

Face

Package with hinged lid

Front face (outer surface of lid)

Warning in English and te reo Māori and graphic. The above content must cover at least 75% of the total area of the front face.

Layout

Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.

Back face (outer face of base)

Warning in English and explanatory note. The above content must cover at least 75% of the total area of the back face.

Back layout 1 or 2 specified in Part 2 of Schedule 4.

Item 2

Face

Flip-top pack

Front face

Warning in English and te reo Māori and graphic. The above content must cover at least 75% of the total area of the front face.

Layout

Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.

Back face

Warning in English and explanatory note. The above content must cover at least 75% of the total area of the back face.

Back layout 1 or 2 specified in Part 2 of Schedule 4.

Item 3

Face

Soft pack

Front face

Warning in English and te reo Māori and graphic. The above content must cover at least 75% of the total area of the front face.

Back face

Warning in English and explanatory note. The above content must cover at least 75% of the total area of the back face.

§	Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	Back layout 1 or 2 specified in Part 2 of Schedule 4.
	Item 4	Rectangular- or square-shaped pack or tin	
	Face	<i>Front face</i>	
	Content	Warning in English and te reo Māori and graphic.	
	Specifications	The above content must cover at least 75% of the total area of the front face.	
	Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	
	Item 5	Cigar bag	
	Face	<i>Front face</i>	
	Content	Warning in English and te reo Māori and graphic.	
	Specifications	The above content must—	
		(a) cover at least 75% of the total area of the front face; and	(a) cover at least 75% of the total area of the front face; and
		(b) extend to the top and side edges of the front surface; and	(b) extend to the top and side edges of the back surface; and
		(c) join without space between them.	(c) join without space between them.
	Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	
	Item 6	Other cigar packages¹	
	Face	<i>Front face</i>	
	Content	Warning in English and te reo Māori and graphic.	
	Specifications	The above content must cover at least 75% of the total area of the front face.	
	Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	
			<i>Back face</i>
			Warning in English and explanatory note.
			The above content must cover at least 75% of the total area of the back face.
			Back layout 1 or 2 specified in Part 2 of Schedule 4.

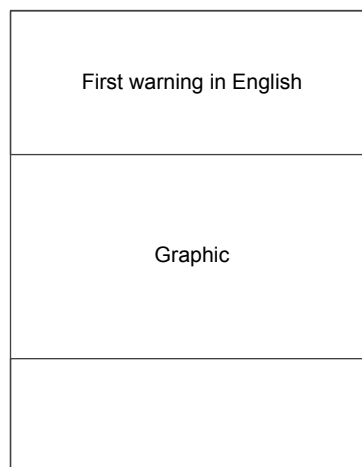
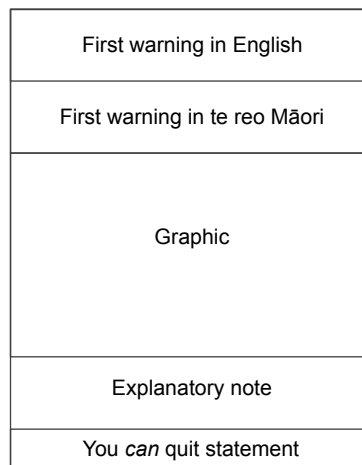
Item 7	Cigar tube
Face	<i>Front face</i>
Content	Warning in English and te reo Māori.
Specifications	The above content must—
	(a) cover at least 95% of the total length of the outer surface; and
	(b) be positioned lengthwise along the tube; and
	(c) extend to at least 60% of the circumference of the outer surface.

¹ Item 6 describes the specifications and layout for any cigar package that is not covered by any of items 1 to 5 and 7.

Schedule 4
Diagram of layout of required message

Schedule 3

Part 1
Layout for tobacco packages containing tobacco products other than cigars

Front layout 1**Back layout 1**

Front layout 2

Graphic	First warning in English

Front layout 3

Graphic	First warning in English	
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Back layout 2

Graphic	First warning in English
	First warning in te reo Māori
	Explanatory note
You <i>can</i> quit statement	

Back layout 3

Graphic	First warning in English
	First warning in te reo Māori
	Explanatory note
	You <i>can</i> quit statement

Part 2

Layout for cigar packages

Front layout 1

Warning in English
Warning in te reo Māori
Graphic

Front layout 2

Graphic	Warning in English
	Warning in te reo Māori

Front layout 3

Graphic	Warning in English	
	Warning in te reo Māori	

Back layout 1

Warning in English
Explanatory note

Back layout 2

Warning in English	Explanatory note

Schedule 5

Infringement fees for infringement offences

r 58

Section of Act	Description of offence	Fee (\$)
36(5)	Contravening section 29(1) (publishing an advertisement for a tobacco product that directly or indirectly states or suggests that the product is suitable for chewing or for any other oral use (other than smoking)) or section 29(2) (importing for sale, selling, packing, or distributing a tobacco product labelled or otherwise described as suitable for chewing, or for any other oral use (other than smoking))	1,000 (in the case of a manufacturer, importer, or distributor) 500 (in any other case)
36(5A)	Contravening section 29A(2), which relates to distributing a tobacco product to which section 29A(1) applies, or supplying a tobacco product to which section 29A(1) applies to another person for later distribution, or, in the case of a retailer, supplying a tobacco product to which section 29A(1) applies to another person for the purpose of that retailer's business	1,000 (in the case of a manufacturer, importer, or distributor) 500 (in any other case)
36(5B)	Contravening section 29B, which relates to permitting an automatic vending machine that dispenses or is capable of dispensing tobacco products or herbal smoking products to be located in a place to which members of the public have access, and also to permitting a tobacco product or herbal smoking product to be sold by way of an automatic vending machine in a place to which members of the public have access	200
36(6)	Contravening section 30(1) by selling, or after selling them, delivering or arranging for the delivery of, tobacco products to people younger than 18 years	1,000 (in the case of a body corporate) 500 (in any other case)
36(6A)	Contravening section 30(1) by selling, or after selling them, delivering or arranging for the delivery of, herbal smoking products to people younger than 18 years	200
36(7A)	Contravening section 30A(3), which imposes restrictions on the sale of certain tobacco products in small quantities	200
36AA(2)	Contravening section 31A, which requires tobacco products and packages to comply with certain standardised packaging requirements	1,000 (in the case of a body corporate) 500 (in any other case)
36A(2)	Contravening section 36A(1), which prohibits sale of a toy tobacco product to a person younger than 18 years	200

Schedule 6
Forms of infringement notice and reminder notice

r 59

Form 1
Infringement notice

Section 38C(1), Smoke-free Environments Act 1990

Infringement notice number:

Date of notice:

Name of enforcement officer issuing the notice:

Person served

Full name:

Full address:

Date of birth:

Gender:

Occupation:

Telephone number(s):

Details of alleged infringement offence

Date:

Time:

Place:

Details of offence:

which is in breach of section 36(5)/36(5A)/36(5B)/36(6)/36(6A)/36(7A)/36AA(2)/36A(2)* of the Smoke-free Environments Act 1990.

*Specify section.

The infringement fee is \$[*amount*]

The infringement fee is payable within 28 days after [*earliest date notice delivered personally or posted*].

The infringement fee is payable to the Director-General, Ministry of Health, at [*address where fee payable*].

IMPORTANT: Please read the summary of rights printed on the following pages.

Summary of rights

- 1 If you do not understand anything in this summary, you should consult a lawyer immediately.

Payments

- 2 If you pay the infringement fee within 28 days after the service on you of this notice, no further action will be taken for that offence. Payment must be made at the place indicated on the first page of this notice.

Payment by instalments

- 3 The Director-General, Ministry of Health, may, but is not required to, enter into an agreement allowing you to pay the infringement fee by instalments (*see* section 21(3A) to (3D) of the Summary Proceedings Act 1957).
- 4 If you wish to pay the infringement fee by instalments, you should ask the Director-General, Ministry of Health, by letter whether the Ministry of Health will agree to payment by instalments.
- 5 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you arrange with the Director-General, Ministry of Health, to pay the infringement fee by instalments, you will not be entitled to request a hearing in respect of the offence, and paragraphs 7(b), 7(c), 8, 9, and 10 below will not apply.

Defence

- 6 You have a complete defence against proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General, Ministry of Health, at the address shown on the first page of this notice within 28 days after service on you of a reminder notice in respect of the offence.

Note: Late payment or payment at any other place will not be a defence.

Further action

- 7 You must write to the Director-General, Ministry of Health, if you wish to do any of the following things:
 - (a) raise any matter relating to the alleged offence for consideration by the Director-General, Ministry of Health:
 - (b) deny liability for the offence and request a District Court hearing (*see* paragraphs 8, 9, and 13 below):
 - (c) admit liability for the offence, but have the District Court consider written submissions as to penalty or otherwise (*see* paragraphs 10 and 13 below), you should write to the Director-General, Ministry of Health, at the address shown on the first page of this notice. Any such letter should be personally signed.

Court hearing

- 8 You have a right to a District Court hearing. If you deny liability for the offence and request a hearing in respect of the alleged offence, the Director-General, Ministry of Health, will (unless the Ministry of Health decides not to commence court proceedings) serve you with a notice of hearing setting out the place and time at which the matter will be heard by the District Court.

Note: If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 9 A request for a hearing must—
- (a) be in writing signed by you; and
 - (b) be delivered to the Director-General, Ministry of Health, at the address shown on the first page of this notice; and
 - (c) be so delivered before or within 28 days after service on you of a reminder notice.
- 10 If you admit liability in respect of the offence but want the court to consider your submissions as to penalty or otherwise, you should, in your letter,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish to be considered by the court.

The Ministry of Health will then file your letter with the court (unless the Ministry of Health decides not to commence court proceedings). There will be no oral hearing before the court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Reminder notice

- 11 If, at the end of 28 days after the date of service of this notice, the infringement fee has not been paid to the Ministry of Health at the address shown on the first page of this notice and the Director-General, Ministry of Health, has not received at that address a notice requesting a hearing in respect of the offence, you will be served with a reminder notice (unless the Ministry of Health decides otherwise).
- 12 If, at the end of 28 days after the date of service of the reminder notice, the infringement fee has not been paid to the Director-General, Ministry of Health, at the address shown on the first page of this notice and the Director-General, Ministry of Health, has not received at that address a notice requesting a hearing,—
- (a) the Ministry of Health may provide particulars of the reminder notice for filing in the District Court; and
 - (b) you will, under section 21(5) of the Summary Proceedings Act 1957, become liable to pay **costs in addition to the infringement fee**.

Queries and other correspondence

- 13 When writing or making payment, please include—
- (a) the date of the infringement; and
 - (b) the infringement notice number; and
 - (c) the identifying number of the alleged offence; and
 - (d) the course of action you are taking in respect of the alleged offence; and
 - (e) your address for replies.

Notes

Further details of your rights and obligations are in section 38C of the Smoke-free Environments Act 1990 and section 21 of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to the Director-General, Ministry of Health, at the address shown on the first page of this notice.

Form 2
Reminder notice

Section 38C(1), Smoke-free Environments Act 1990

Reminder notice number:

Date of notice:

Name of enforcement officer issuing the notice:

Person served

Full name:

Full address:

Date of birth:

Gender:

Occupation:

Telephone number(s):

Details of alleged infringement offence

Date:

Time:

Place:

Details of offence:

which is in breach of section 36(5)/36(5A)/36(5B)/36(6)/36(6A)/36(7A)/36AA(2)/36A(2)* of the Smoke-free Environments Act 1990.

*Specify section.

Infringement notice number [*number*].

The infringement notice served by personal service/prepaid post* on [*date*].

This reminder notice served by personal service/prepaid post* on [*date*].

*Select one.

The infringement fee was \$[*amount*] payable within 28 days after [*earliest date notice delivered personally or posted*].

The last day for payment is [*date*].

No fee has been received.

The infringement fee remains payable to the Director-General, Ministry of Health, at [*address where fee payable*].

IMPORTANT: Please read the summary of rights printed on the following pages.

Summary of rights

- 1 If you do not understand anything in this summary, you should consult a lawyer immediately.

Payments

- 2 If you pay the infringement fee within 28 days after the service on you of this notice, no further action will be taken for that offence. Payment must be made at the place indicated on the first page of this notice.

Payment by instalments

- 3 The Director-General, Ministry of Health, may, but is not required to, enter into an agreement allowing you to pay the infringement fee by instalments (*see* section 21(3A) to (3D) of the Summary Proceedings Act 1957).
- 4 If you wish to pay the infringement fee by instalments, you should ask the Director-General, Ministry of Health, by letter whether the Ministry of Health will agree to payment by instalments.
- 5 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you arrange with the Director-General, Ministry of Health, to pay the infringement fee by instalments, you will not be entitled to request a hearing in respect of the offence, and paragraphs 7(b), 7(c), 8, 9, and 10 below will not apply.

Defence

- 6 You have a complete defence against proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General, Ministry of Health, at the address shown on the first page of this notice within 28 days after service on you of this notice in respect of the offence.

Note: Late payment or payment at any other place will not be a defence.

Further action

- 7 You must write to the Director-General, Ministry of Health, if you wish to do any of the following things:
 - (a) raise any matter relating to the alleged offence for consideration by the Director-General, Ministry of Health:
 - (b) deny liability for the offence and request a District Court hearing (*see* paragraphs 8, 9, and 12 below):
 - (c) admit liability for the offence, but have the District Court consider written submissions as to penalty or otherwise (*see* paragraphs 10 and 12 below), you should write to the Director-General, Ministry of Health, at the address shown on the first page of this notice. Any such letter should be personally signed.

Court hearing

- 8 You have a right to a District Court hearing. If you deny liability for the offence and request a hearing in respect of the alleged offence, the Director-General, Ministry of Health, will (unless the Ministry of Health decides not to commence court proceedings) serve you with a notice of hearing setting out the place and time at which the matter will be heard by the District Court.

Note: If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 9 A request for a hearing must—
- (a) be in writing signed by you; and
 - (b) be delivered to the Director-General, Ministry of Health, at the address shown on the first page of this notice; and
 - (c) be so delivered within 28 days after service on you of this notice.
- 10 If you admit liability in respect of the offence but want the court to consider your submissions as to penalty or otherwise, you should, in your letter,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish to be considered by the court.

The Ministry of Health will then file your letter with the court (unless the Ministry of Health decides not to commence court proceedings). There will be no oral hearing before the court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Next steps

- 11 If you do not request a hearing and you do not pay the infringement fee or the amount of the infringement fee remaining within 28 days after service on you of this notice,—
- (a) the Ministry of Health may provide particulars of the reminder notice for filing in the District Court; and
 - (b) you will, under section 21(5) of the Summary Proceedings Act 1957, become liable to pay **costs in addition to the infringement fee**.

Queries and other correspondence

- 12 When writing or making payment, please include—
- (a) the date of the infringement; and
 - (b) the infringement notice number; and
 - (c) the identifying number of the alleged offence; and
 - (d) the course of action you are taking in respect of the alleged offence; and
 - (e) your address for replies.

Notes

Further details of your rights and obligations are in section 38C of the Smoke-free Environments Act 1990 and section 21 of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this reminder notice must be directed to the Director-General, Ministry of Health, at the address shown on the first page of this notice.

Schedule 7 Form of return

r 63(1)

Manufacturer or importer:

Calendar year:

Tobacco product class:

Cigarettes/cigarette tobacco/pipe tobacco/cigars/other [*specify*]*

- (a) tobacco weight by product class:
- (b) weight of additives in total by product class:
- (c) list of additives and quantities not exceeded for each brand and brand variants in this return:

Common botanical or chemical name	Quantity not exceeded (percentage by weight)
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- (d) brand information:

Brand and brand variant	Quantity released for sale	Price (<i>see note</i>)
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I, [*full name*] of [*address*], [*position held*], certify that the information contained in/and attached to* this return is correct for the purposes of the Smoke-free Environments Regulations 2017.

Place:

Date:

*Delete as appropriate

Note: Price sheets supplied by the manufacturer or importer to retailers during the year of recommended prices for each brand and brand variant or an equivalent list may be attached to the return instead of including that information above.

Schedule 8 Form of report

r 63(2)

*Manufacturer or importer:**Laboratory:**Calendar year:**Product:*

Brand and brand variant	Tar Mean CI*	Nicotine Mean CI*	CO Mean CI*
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*CI = 95% confidence interval

I, [full name] of [address], [position held in testing laboratory], certify that the report correctly records the results of all tests carried out at the laboratory at [location] by or on behalf of [name of manufacturer or importer] during [year] for the purposes of section 33/section 34[†] of the Smoke-free Environments Act 1990.

Place:

Date:

[†]Delete as appropriate

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect

These regulations, which come into force on 14 March 2018, revoke and replace the Smoke-free Environments Regulations 2007.

These regulations implement changes foreshadowed in the Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016 by imposing requirements for the purpose of standardising tobacco products and tobacco packages (*see Part 2*). Those requirements include, among other things, provisions relating to—

- the colour and smell of tobacco products; and
- the text and markings that may appear on a tobacco package; and
- the appearance of any wrapper on a tobacco package; and
- features that a tobacco package must not have; and

- mandatory and permissible features of cigarettes, cigarette packs and cartons, packages containing loose or pipe tobacco, cigars, and cigar packages.

These regulations also—

- require tobacco packages to display a message relating to the harmful effects of the tobacco product (*see subpart 1 of Part 1*):
- provide for the content of the required message (*see subpart 1 of Part 1 and Schedule 2*, which contains new warnings and graphics):
- provide for the display of the required message and the rotation of those messages (in specified periods) (*see Part 1 and Schedules 2 to 4*):
- specify how information about tobacco products must be provided in offers of tobacco products for Internet sale, on automatic vending machines, and by retailers in their place of business:
- provide for infringement offences (including a new infringement offence relating to the contravention of section 31A of the Smoke-free Environments Act 1990):
- provide for other matters set out in *Part 5* (carried over from the previous regulations).

The transitional provisions inserted by the Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016 apply in respect of the changes imposed by these regulations.

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement in November 2012 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-moh-ppt-dec13.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 June 2017.

These regulations are administered by the Ministry of Health.