
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 211

**The Tobacco Advertising and Promotion (Specialist
Tobacconist) (Scotland) Regulations 2004**

Advertising in or outside specialist tobacconists

- 2.—(1) The requirements specified below apply for the purposes of section 6(1)(c) of the Act.
- (2) Subject to the following paragraphs, each advertisement shall include an area in which are displayed parallel to the floor—
- (a) a health warning specified in paragraph (3); and
 - (b) the following health information—
“NHS Smoking Helpline 0800 169 0 169”.
- (3) The health warning shall be—
- (a) where not less than half of the area of an advertisement (excluding the area in which the health warning and health information is required to be displayed by paragraph (2)) is used to advertise tobacco products which are intended to be smoked—
“Smoking kills” or
“Smoking seriously harms you and others around you”; and
 - (b) in any other case—
“Tobacco products may damage your health and are addictive”.
- (4) The health warning and health information required to be displayed under paragraph (2) shall cover—
- (a) an area of at least 22.5cm², where the total area of the advertisement exceeds 75cm²; and
 - (b) in any other case, an area which is not less than 30% of the total surface area of the advertisement;
- and, for the purposes of this paragraph, the total area of an advertisement includes the area in which the health warning and health information are required to be displayed by paragraph (2).
- (5) The health warning and health information which is required to be displayed by paragraph (2) shall be—
- (a) indelible;
 - (b) legible;
 - (c) printed in black Helvetica bold type on a white background;
 - (d) in a font size consistent throughout the text which ensures that the text occupies the greatest possible proportion of the area specified for the health warning and health information;
 - (e) in upper case and lower case type as used in the health information in paragraph (2) or, as the case may be, in the health warning in question in paragraph (3);
 - (f) centred in the area in which the text is required to be printed;

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- (g) surrounded by a black border outside the area specified for the health warning and health information, which shall be not less than 3 millimetres and not more than 4 millimetres in width, which does not interfere with the text of the warning or information; and
 - (h) irremovably printed on the advertisement or affixed to the advertisement by means of an irremovable sticker.
- (6) In this regulation “advertisement” means a tobacco advertisement to which section 6(1)(a) and (b) of the Act applies.