
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [89/622/EEC](#) concerning the labelling of tobacco products (OJNo. L359 8.12.89 p 1). The Regulations are made in exercise of powers contained in the Consumer Protection Act 1987 and in the European Communities Act 1972.

The Regulations require a producer of tobacco products (“producer” is defined in regulation 2(1), and includes an importer) to ensure that each packet containing the tobacco product carries the specified general warning (regulation 3).

In relation to cigarettes, producers are required to ensure that each packet carries one of six health warnings additional to the general warning (regulation 4). The additional health warnings are specified in Schedule 1 to the Regulations. Regulation 4 requires that these warnings should appear on an equal number of packets over the course of a year, with a 5 per cent. allowance made for variation above or below that number.

Regulation 5 makes provision as to the visibility and position of the general warning and the additional warning for cigarettes; there is also a provision as to the size of the area to be covered by those warnings, and Schedule 2 to the Regulations shows how the area is to be measured.

Regulation 6 requires the producer of cigarettes to ensure that each packet of cigarettes provides information as to the tar and nicotine yields of those cigarettes. The manner of determining the tar and nicotine yields and the presentation of the information on the packet is also specified.

Regulation 7 specifies how information is to be presented on a non-rectangular packet.

Regulation 8 provides that an importer of cigarettes from a member State of the EEC is to be treated as complying with specified requirements of the Regulations if the equivalent requirements of that member State, adopted to implement Council Directive [89/622/EEC](#), are met.

To determine the accuracy of information about tar and nicotine yields carried on packets, the Secretary of State is empowered to select samples of and conduct tests on cigarettes; the methods of sampling and testing are specified in regulation 9(1). Regulation 9(2) requires the producer of cigarettes to supply samples as required by the Secretary of State and to notify the Secretary of State of certain information about cigarette brands produced by him.

Regulation 10 specifies the procedure to be followed when the Secretary of State’s own tests show results different from those recorded in the information on the cigarette packets.

The Regulations prohibit supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply any tobacco product in respect of which the producer has not complied with regulations 3 to 6 (regulation 11).

Regulation 12 provides that the Regulations are to be regarded for the purposes of enforcement as safety regulations and safety provisions as defined in the Consumer Protection Act 1987, although they are made partly in exercise of other powers.

Transitional provisions are provided for in regulation 13.

Copies of the International Standards referred to in the Regulations may be obtained from the British Standards Institute, Linford Wood, Milton Keynes MK14 6LE.