

2007 No. 2473

CONSUMER PROTECTION

The Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regulations 2007

Made - - - - - *23rd August 2007*

Laid before Parliament *29th August 2007*

Coming into force - - *1st October 2008*

The Secretary of State for Health makes these Regulations in exercise of the powers in section 11 of the Consumer Protection Act 1987(a) and section 2(2) of the European Communities Act 1972(b).

In accordance with section 11(5) of the Consumer Protection Act 1987 he has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations and such other persons as he considers appropriate.

The Secretary of State has been designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the sale, packaging, labelling and sampling of tobacco products.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regulations 2007 and shall come into force on 1st October 2008.

(2) In these Regulations “the principal Regulations” means the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002(d).

Amendment of regulation 7 of the principal Regulations

2. In regulation 7 (warnings on tobacco products) of the principal Regulations—
- (a) for sub-paragraph (1)(b) there is substituted the following sub-paragraph—

“(b) on the other most visible surface an additional health warning in the form of a picture warning from the list of picture warnings set out in Part 1 or, where it applies, Part 2 of the Schedule, printed in accordance with the technical specifications set out in Part 3 of the Schedule.”; and
 - (b) for paragraph (2) there is substituted the following paragraph—

“(2) A producer of a tobacco product intended only for supply in the travel retail sector may use the picture warning set out in Part 2 of the Schedule in place of the picture warning set out in paragraph 14 of Part 1 of the Schedule.”.

(a) 1987 c. 43.
(b) 1972 c. 68.
(c) S.I. 1991/755.
(d) S.I. 2002/3041.

Amendment of regulation 9 of the principal Regulations

3. In regulation 9(1) (appearance of warnings and yield statements) of the principal Regulations immediately after “regulation 7” there is inserted “(other than paragraph (1)(b))”.

Amendment of regulation 11 of the principal Regulations

4. In regulation 11(2) (product descriptions) of the principal Regulations at the end there is added—

“, any other member State, Norway, Iceland or Liechtenstein.”.

Amendment of regulation 14 of the principal Regulations

5. In regulation 14 (prohibitions on the supply of non-compliant tobacco products) of the principal Regulations, for paragraph (2) there is substituted the following paragraph—

“(2) Except in relation to products intended for the travel retail sector, paragraph (1) does not apply where a tobacco product is or is to be supplied for consumption outside the United Kingdom, any other member State, Norway, Iceland or Liechtenstein.”.

Substitution of the Schedule to the principal Regulations

6. For the Schedule to the principal Regulations there is substituted the Schedule in the Schedule to these Regulations.

Transitional provisions

7. The changes made to the principal Regulations by these Regulations shall not apply to the supply of a tobacco product produced before 1st October 2008 where the supply takes, or is to take, place—

- (a) in the case of cigarettes, before 1st October 2009;
- (b) in the case of other tobacco products, before 1st October 2010.

Signed by authority of the Secretary of State for Health

23rd August 2007

Dawn Primarolo
Minister of State,
Department of Health

SCHEDULE

Regulation 6

Schedule to be Substituted for the Schedule to the principal Regulations

“SCHEDULE

Regulation 7

ADDITIONAL WARNINGS

PART 1

Picture Warnings

1. Smokers die younger



2. Smoking clogs the arteries and causes heart attacks and strokes



3. Smoking causes fatal lung cancer



4. Smoking is highly addictive, don't start



5. Stopping smoking reduces the risk of fatal heart and lung diseases



6. Smoking can cause a slow and painful death



7. Smoking causes ageing of the skin



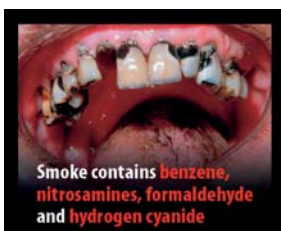
8. Smoking can damage the sperm and decreases fertility



9. Smoking may reduce the blood flow and causes impotence



10. Smoking contains benzene, nitrosamines, formaldehyde and hydrogen cyanide



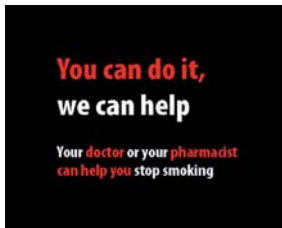
11. Smoking when pregnant harms your baby



12. Protect children: don't make them breathe your smoke



13. Your doctor or your pharmacist can help you stop smoking



14. Get help to stop smoking



PART 2

Alternative picture warning for retail travel sector

Your doctor or pharmacist can help you stop smoking



PART 3

Technical specifications

1. Each additional warning shall be surrounded by a black border outside the area specified for the warning which shall—
 - (a) be not less than three millimetres and more than four millimetres in width, and
 - (b) not interfere with the picture warning.
2. In the case of packets of cigarettes, each additional warning shall be irremovably printed on the packet.
3. In the case of packets of tobacco products other than cigarettes, each additional warning may be either irremovably printed on the packet or affixed to the packet by means of an irremovable sticker.
4. Subject to paragraph 5 below, each additional health warning shall—
 - (a) be in the format and proportions of the pictures and text set out in Part 1 or Part 2 and adopt the graphical integrity of those pictures and text;
 - (b) occupy the entire area reserved for the additional health warning;
 - (c) be positioned parallel to the top edge of the package, and in the same direction as the other information in the package; and

(d) be printed in four-colour/-CMYK-/ screen 133 lines per inch, as a minimum requirement.

5. Where the size of the package so requires, the additional warning can be modified according to the following rules:

- (a) the graphical editing of the textual elements shall be done by varying font size and line breaks to ensure high readability;
- (b) for additional warnings where the illustration is a text, the graphical editing shall be done by varying font size and line breaks; the relative surfaces occupied by text as an illustration and the corresponding text of the additional warning must be respected;
- (c) for additional warnings where a photograph or other illustration is an image, the graphical editing shall be done by proportionate scaling of the photograph or other illustration and varying of the relative surfaces occupied by the photograph or other illustration and the corresponding text of the additional warning;
- (d) when the proportion between the height and the width of the additional warning is lower than 0.8, the corresponding text of the additional warning, if placed under the photograph or other illustration in Part 1 or 2 of this Schedule, may be moved to the right of the photograph or other illustration; and
- (e) when the proportion between the height and the width of the additional warning exceeds 1.2, the corresponding text of the additional warning, if placed to the side of the photograph or other illustration in Part 1 or 2 of this Schedule, may be moved under the photograph or other illustration.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under powers contained in the Consumer Protection Act 1987 and the European Communities Act 1972, amend the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (“the principal Regulations”).

Regulations 2, 3 and 6 and the Schedule further implement Article 5.3 of Directive 2001/37/EC of the European Parliament and of the Council of 5th June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (“the Directive”) (OJ No. L 194 18.7.2001, p. 26) under which Member States may require the additional warnings on the back of tobacco packets to be in the form of coloured photographs.

A CD with the required images and a European Commission guidance document on editing the images is available from the Department of Health, and can be sourced by emailing picture.warnings@dh.gsi.gov.uk or writing to the Tobacco Programme at the address given below.

Regulations 4 and 5 amend regulations 11 and 14 of the principal Regulations to extend requirements relating to product descriptions and product prohibitions to packets of tobacco products which are, or are to be, supplied for consumption in other EEA States. This gives effect to Articles 5 and 7 of the Directive.

A Regulatory Impact Assessment and a Transposition Note have been prepared for these Regulations and a copy of each has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment and the Transposition Note can be obtained from the Tobacco Programme, Department of Health, Room 712, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

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