

[AS REPORTED FROM THE SOCIAL SERVICES COMMITTEE]

House of Representatives, 4 March 1993.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Simon Upton

SMOKE-FREE ENVIRONMENTS AMENDMENT (NO. 2)

ANALYSIS

Title 1. Short Title	2. New sections inserted 26A. Exemptions for sponsorship and advertising of certain sporting and cultural events 26B. Restrictions on application of section 26A 3. Enforcement 4. Repeal
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A BILL INTITULED

An Act to amend the Smoke-free Environments Act 1990

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Smoke-free Environments Amendment Act (No. 2) **1991**, and shall be read together with and deemed part of the Smoke-free Environments Act 1990* (hereinafter referred to as the principal Act).

*1990, No. 108

Amendments: 1990, No. 131; 1991, No. 35

New

1A. Transitional provisions—Section 40 (2) of the principal Act is hereby amended by omitting the expression “1993”, and substituting the expression “1995”.

1B. Council to provide alternative sponsorship— 5
Section 56 (2) (a) (ii) of the principal Act is hereby amended by omitting the expression “1993”, and substituting the expression “1995”.

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2. New sections inserted—The principal Act is hereby 10
amended by repealing section 26A (as inserted by section 2 of the **Smoke-free Environments Amendment Act 1991**), and substituting the following sections:

“26A. Exemptions for sponsorship and advertising of certain sporting and cultural events—(1) In this section and 15
in **section 26B** of this Act, unless the context otherwise requires,—

“‘Event’ includes a series of events:

“‘School’ means—

“(a) A State school within the meaning of the 20
Education Act 1964; and

“(b) A school for the time being established as an integrated school under the Private Schools Conditional Integration Act 1975; and

“(c) A school for the time being registered under 25
section 35A of the Education Act 1964:

“‘Specified event’ means any sporting or cultural event:

“‘Sponsor’, in relation to a specified event, means—

“(a) To organise or promote that event; or

“(b) To make a financial contribution towards that 30
event; or

“(c) To make a financial contribution to any person in respect of—

“(i) The organisation or promotion, by that 35
person, of; or

“(ii) The participation, by that person, in,—

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- the event;—
and “sponsorship” has a corresponding meaning.
- 5 “(2) Subject to **section 26B** of this Act, nothing in section 22 or
section 24 or section 25 of this Act applies in respect of—
- “**(a)** The use, in the name of a specified event, of—
- “**(i)** A tobacco product trade mark; or
 - “**(ii)** A company name, or any part of a company
10 name, of any manufacturer, importer, or distributor
of tobacco products; or
- “**(b)** The advertisement of—
- “**(i)** A specified event; or
 - “**(ii)** The fact that a specified event is sponsored,
15 in whole or in part, by any manufacturer, importer,
or distributor of tobacco products; or
- “**(c)** The use, on any article, of—
- “**(i)** A tobacco product trade mark; or
 - “**(ii)** A company name, or any part of a company
20 name, of any manufacturer, importer, or distributor
of tobacco products—
for the purpose of advertising or promoting or
identifying to the public—
 - “**(iii)** A specified event; or
 - “**(iv)** The fact that a specified event is sponsored,
25 in whole or in part, by any manufacturer, importer,
or distributor of tobacco products.
- “**(3)** For the purposes of **subsection (2) (b)** of this section, the
display, at the venue at which a specified event sponsored by
30 any manufacturer, importer, or distributor of tobacco products
is held or is to be held, of a hoarding featuring only a tobacco
product trade mark or the company name, or any part of the
company name, of that manufacturer, importer, or distributor,
together with the health message required by **section 26B (6)** of
this Act, shall be deemed to be an advertisement of the fact
35 that that event is so sponsored.
- “**(4)** For the avoidance of doubt, it is hereby declared that
nothing in this section or **section 26B** of this Act permits the
depiction, in any advertisement, of—
- “**(a)** Any tobacco product; or
 - 40 “**(b)** Any package in which tobacco products are customarily
sold at retail; or

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- “(c) The smoking of any tobacco product; or
“(d) Any claim relating to any particular brand of tobacco product.
- “(5) Nothing in this section or **section 26B** of this Act applies in respect of any contract to which section 40 (2) of this Act applies. 5
- “**26B. Restrictions on application of section 26A—**
(1) Nothing in **section 26A** of this Act permits any manufacturer, importer, or distributor of tobacco products to sponsor any specified event where— 10
- “(a) That event is designed specifically for, or the holding of that event is conditional on, a television, radio, or cinema audience; or
“(b) The audience for that event is likely to be predominantly under the age of 18 years; or 15
“(c) The event is a modern music concert principally for persons under the age of 20 years; or
“(d) The event is part of the activities of any school.
- “(2) Nothing in **section 26A** of this Act permits the advertising, in any radio or television transmission, or in any cinema, of the fact that a specified event is sponsored by any manufacturer, importer, or distributor of tobacco products if that advertising is purchased by that manufacturer, importer, or distributor. 20
- “(3) Where advertising relating to any specified event is included, on behalf of any manufacturer, importer, or distributor of tobacco products, in any newspaper, magazine, or other publication, the total space occupied by that advertising in each edition of that newspaper, magazine, or publication shall not exceed 903 square centimetres. 25 30
- “(4) Advertising acknowledging the fact that any specified event is sponsored by any manufacturer, importer, or distributor of tobacco products shall not—
- “(a) Be included in any printed matter that is published later than 1 week after the date on which the event concludes; or 35
“(b) Be included in any radio or television transmission that is broadcast later than 1 week after that date.
- “(5) Signs advertising sponsorship of a specified event by any manufacturer, importer, or distributor of tobacco products may 40

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be displayed at any venue for that event only until that event has concluded.

5 “(6) Every hoarding displayed at any venue at which a specified event is held or is to be held and featuring only a tobacco product trade mark or the company name, or any part of the company name, of any manufacturer, importer, or distributor of tobacco products shall include a health message consisting of—

10 “(a) One of the following warnings:

“(i) Smoking causes lung cancer:

“(ii) Smoking causes heart disease:

“(iii) Smoking damages your lungs:

“(iv) Smoking causes fatal diseases; and

15 “(b) The attribution ‘Health Dept Warning’.

“(7) The health message required by subsection (6) of this section to be displayed on a hoarding—

20 “(a) Shall be applied so as to ensure as equal as possible a distribution of each warning among the hoardings displayed at any venue for a specified event; and

“(b) Shall occupy at least 20 percent of the aggregate area of the hoarding; and

“(c) Shall occupy an area across the base of the hoarding or on one side of the hoarding, and shall be centred in that area; and

25 “(d) Shall be printed in letters of such a size, and be displayed in such a layout, that the legibility of the health message is maximised when viewed from a distance; and

30 “(e) Shall be displayed in Times New Roman typeface, with the warning printed in upper case, and the attribution printed in upper case and lower case on a separate line below the warning; and

35 “(f) Shall be printed in a colour (which may be a colour already used on the hoarding) that affords a distinct colour contrast to the background on which it appears; and

“(g) Shall be outlined with a rectangular line of the same colour as the lettering of the message itself.

40 “(8) No words or material except the warning and the attribution shall appear in the health message area.”

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3. Enforcement—Section 37 of the principal Act is hereby amended by adding the following subsections:

“(4) The Director-General may from time to time, by notice in the *Gazette*, delegate to an area health board, in respect of the district of that area health board, the duty imposed on the Director-General by **subsection (1)** of this section. 5

“(5) Any delegation under **subsection (4)** of this section may be expressed to be made on and subject to such terms and conditions as may be specified in the notice.” 10

4. Repeal—The **Smoke-free Environments Amendment Act 1991** is hereby consequentially repealed.