



SMOKE-FREE ENVIRONMENTS REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 22nd day of March 1999

Present:

THE HON WYATT CREECH PRESIDING IN COUNCIL

PURSUANT to section 39 of the Smoke-free Environments Act 1990, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Smoke-free Environments Regulations 1999.

(2) Regulations 2 to 36 and 40, and the Schedules, come into force on 1 January 2000.

(3) The rest of these regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Back”, in relation to any cigarette pack, means the face on which an explanatory message is (or but for some other provision of these regulations would be) required by regulation 12 to be displayed:

“Carton” means a package comprising 2 or more tobacco packages within—

(a) A container; or

(b) A wrapper that obscures or tends to obscure any writing on any of those packages that would be legible if it were completely transparent:

“Cigar” means a tobacco product comprising a roll of tobacco leaf or cut tobacco, enclosed in tobacco leaf or the leaf of another plant:

“Cigarette” means a tobacco product comprising a roll of cut tobacco, enclosed in paper:

“Cigarette pack” means a retail package containing cigarettes:

“Corresponding explanatory message”, in relation to a warning message, means the explanatory message set out opposite it in Schedule 1:

“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:

“Explanatory message” means a message set out in column 3 of Schedule 1:

“Face”, in relation to a retail package, means a more or less flat area of the surface of the package that is bounded by edges of the package:

“Flip-top pack” means a retail package of the kind commonly called a flip-top pack, a hinge-top pack, or a hinge-lid box:

“Front”, in relation to any cigarette pack, means the face on which a warning message is (or but for some other provision of these regulations would be) required by regulation 9 to be displayed:

“Larger”, in relation to a face, means of greater area (and “largest” has a corresponding meaning); but, in relation to a retail package with 2 or more faces of equal area that are larger than any other,—

(a) “The largest faces” means those faces; and

(b) “The largest face” means any of those faces:

“List of harmful constituents” means the list required by regulation 20 (modified in accordance with regulation 21):

“Pouch pack” means a retail package made, from flexible material, in the form of a rectangular pocket with a flap covering the opening:

“The principal Act” means the Smoke-free Environments Act 1990:

“Rectangular” includes square:

“Retail package”—

(a) Means a tobacco package intended for retail sale as a single unit; and

(b) If a retail package is a carton, includes every tobacco package it contains (whether or not it is intended for retail sale as a single unit):

“Sides”,—

(a) In relation to any cylindrical cigarette pack, means the 2 parts of the curved surface of the pack forming the cross-section that, if the vertical centre-line of the largest brand-name on that surface is taken to be 0°, extend around the cross-section—

(i) From 60° to 120°; and

(ii) From 240° to 300°:

(b) In relation to any cigarette pack with 2 hexagonal and 6 rectangular faces, or 2 octagonal and 8 rectangular faces, means the rectangular faces other than the front and back:

(c) In relation to any cigarette pack that is a cuboid carton, means the larger 2 of the 4 faces other than the front and back:

(d) In relation to any other cigarette pack, means the surfaces of the pack, other than the front and back, that are vertical when it is held so that the axis of the cigarettes within it is vertical;— and “side” has a corresponding meaning:

“Soft pack” means a retail package of the kind commonly called a soft package or a soft cup:

“Tobacco package” has the meaning given to it by regulation 3 (1):
 “Warning message” means a message set out in column 2 of
 Schedule 1:

“Wrapper” means a wrapping containing a retail package or several
 retail packages; and includes a non-removable adhesive label or
 sticker securely attached to it.

(2) A tobacco package may be intended for retail sale as a single unit,
 even if it is also intended for any or all of the following:

- (a) Sale of any other kind:
- (b) Transporting retail packages contained within it:
- (c) Holding or displaying, for separate retail sale, retail packages
 contained within it.

PART 1

MESSAGES AND LISTS ON RETAIL PACKAGES

Preliminary

3. “Tobacco package” defined—(1) In these regulations, unless the
 context otherwise requires, “tobacco package”—

- (a) Means a package containing a tobacco product or products; and
 includes a carton; but
- (b) Does not include a wrapper or container containing a single cigar.
- (2) A non-removable adhesive label or sticker securely attached to a
 tobacco package is part of it.
- (3) A wrapper that contains a single tobacco package and is normally
 removed from the package when it is opened is not part of the package.

4. Application of Part 1 to certain cartons—The requirements of
 this Part—

- (a) Apply to every retail package contained within a carton; and
- (b) If it is a retail package, apply to the carton as well.

5. Shapes and areas—For the purposes of these regulations,—

- (a) In determining whether an area of a retail package is more or less
 flat, decorative ridges, embossing, bulges, and other irregularities
 must be disregarded:
- (b) A soft pack must be treated as being a rectangular solid with 6 flat
 faces whose edges are equal in length to the corresponding edges
 of the smallest rectangular solid into which it will fit when not
 compressed:
- (c) A face of a retail package (other than a soft pack) that has rounded
 corners but is otherwise rectangular must, except for the
 purpose of calculating its area, be treated as being rectangular:
- (d) The surface area of a retail package is the area that would be covered
 by its outer layer if opened out and pressed flat (less any area of
 the outer layer that is covered by a flap when the package is
 closed):
- (e) In determining the shape of, or the surface area of any part of, a
 retail package,—
 - (i) The package must be considered when it is closed; and
 - (ii) All edges, gaps, and openings appearing when it is opened
 must be disregarded.

Retail Packages to Display Health Messages

6. General rule as to health messages on retail packages—(1) A retail package that is sold or offered for sale by a manufacturer, importer, distributor, or retailer must display on part of it—

- (a) A warning message, displayed in the position and manner required by this Part; and
 - (b) The corresponding explanatory message, displayed in the position and manner required by this Part.
- (2) The requirements of subclause (1) apply to a retail package unless some other provision of this Part permits or requires something different.

7. Format of health messages—The text of a warning message or an explanatory message must be printed in black—

- (a) Within a black rectangular border that is no wider than an upper-case letter “I” in the point size used for the English element of the message; and
- (b) On a white background within that border; and
- (c) In the type face known as Helvetica; and
- (d) In the case of a warning message,—
 - (i) In roman font, and upper-case and lower-case letters, as it is set out in column 2 of Schedule 1; and
 - (ii) With the te reo Maori element of the message in a point size such that its risers are two-thirds the height of the equivalent risers of the rest of the message; and
- (e) In the case of an explanatory message, in bold and roman font, and upper-case and lower-case letters, as it is set out in column 3 of Schedule 1;
- (f) In type that is—
 - (i) Clear and legible; and
 - (ii) Subject to paragraphs (d) and (e) and regulation 27 (1) (c), the same height throughout the message; and
 - (iii) Of normal weight; and
 - (iv) Subject to regulation 27 (2), of such a size that the text as nearly as possible fills the background.

8. Orientation of health messages—(1) If the face of a retail package (other than the face of a pouch pack over which the flap closes) on which a warning message or explanatory message is displayed bears text most or all of which is oriented in 1 direction,—

- (a) The message must be oriented in that direction; and
 - (b) References in this Part to the upper edge of a face must be read accordingly.
- (2) An explanatory message on a retail package of a kind described in item 4 of Schedule 2 must be oriented so that it is legible when the closed package is held with the flap pointing downwards.

Warning Messages

9. Position of warning messages—(1) The warning message on a retail package of a kind described in item 1 or item 2 of Schedule 2 must be displayed—

- (a) On the face specified in the third column of that item; and
- (b) So that the upper edge of its background is no more than 3 mm below the upper edge of the face.

(2) The warning message on a retail package of a kind described in any of items 3 to 7 of Schedule 2 must be displayed, in any position, on the face specified in column 3 of that item.

(3) The warning message on a retail package of a kind described in item 8 of Schedule 2 must be displayed twice, as required in column 3 of that item.

(4) The warning messages on a retail package of a kind described in item 9 of Schedule 2 must be displayed as required in column 3 of that item.

10. Area of warning messages—(1) The warning message displayed on a retail package of a kind described in any of items 1 to 7 of Schedule 2 must cover at least one quarter of the area of the face it is displayed on.

(2) The warning message displayed on a retail package of a kind described in item 8 or item 9 of Schedule 2 must cover at least 15% of the total surface area of the package.

11. Warning messages to appear in rotation—(1) The 6 warning messages must be displayed in rotation, so that in each calendar year, as nearly as possible, each of them appears on an equal number of retail packages of the same kind of tobacco product.

(2) For the purposes of subclause (1), tobacco products are not of the same kind if, and only 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) Allegedly differing in “mildness”:
 - (v) Having or not having filter tips or cork tips:
 - (vi) Being sold in retail packages containing different numbers of pieces:
 - (vii) Being of different length or mass.

Explanatory Messages

12. Position of explanatory messages—(1) The explanatory message on a retail package of a kind described in item 1 or item 2 of Schedule 2 must be displayed—

- (a) On the face opposite the face on which the warning message is displayed; and
- (b) So that the upper edge of its background is no more than 3 mm below the upper edge of the face.

(2) The explanatory message on a retail package of a kind described in any of items 3 to 7 of Schedule 2 must be displayed, in any position, on the face opposite the face on which the warning message is displayed.

(3) If the area of the flap of a retail package of a kind described in item 4 of Schedule 2 is one third or more of the area of the face on which the warning message is displayed, the explanatory message must be displayed on the flap.

(4) If the area of the flap of a retail package of a kind described in item 4 of Schedule 2 is less than one third of the area of the face on which the warning message is displayed, the explanatory message must be displayed—

(a) On the face opposite the face on which the warning message is displayed; and

(b) So that it is completely visible when the flap is closed.

(5) The explanatory message on a retail package of a kind described in item 9 of Schedule 2 must be displayed as far as possible from the warning message.

13. Area of explanatory messages—(1) The explanatory message displayed on a retail package of a kind described in any of items 1 to 7 of Schedule 2 must cover at least one third of the area of the face it is displayed on.

(2) The explanatory message displayed on a retail package of a kind described in item 8 or item 9 of Schedule 2 must cover at least one fifth of the total surface area of the package.

Other Health Messages on Certain Retail Packages

14. Health messages on certain small packages—(1) A retail package (other than a retail package of a kind described in item 8 of Schedule 2) that would otherwise have to display an explanatory message on a face with an area of 40 cm² or less—

(a) Must display on that face the same warning message displayed under regulation 6 (1) (a), displayed in the manner required by this Part; and

(b) Does not have to display an explanatory message on that face or any other face.

(2) A retail package of a kind described in item 8 of Schedule 2 whose total surface area is less than 145 cm²—

(a) Must display the same warning message twice, displayed in the manner required by this Part; and

(b) Does not have to display an explanatory message.

15. Health messages on cigar packs—A retail package containing 2 or more cigars that is sold or offered for sale by a manufacturer, importer, distributor, or retailer must display—

(a) A warning message and the corresponding explanatory message, each displayed in the position and manner required by this Part; or

(b) If regulation 14 applies to it, the same warning message twice, each displayed in the position and manner required by this Part; or

(c) A warning message and the corresponding explanatory message, each displayed in accordance with regulation 16; or

(d) If a hinged lid forms 1 of its faces, a warning message displayed twice and the corresponding explanatory message, each displayed in accordance with regulation 17.

16. Alternative health messages on cigar packs generally—A warning message and the corresponding explanatory message are displayed on a retail package in accordance with this regulation if, and only if,—

(a) The warning message is displayed on the face specified in Schedule 2 for a package of that kind; and

- (b) The explanatory message is displayed on the face opposite the face on which the warning message is required by paragraph (a) to be displayed; and
- (c) The areas covered by the warning message and the explanatory message are as set out in the item in Schedule 3 that applies to the package; and
- (d) Each message complies with regulation 7.

17. Alternative health messages on cigar packs with hinged lids—

A warning message and the corresponding explanatory message are displayed on a retail package in accordance with this regulation if, and only if,—

- (a) The warning message is displayed on both the outside of its lid and the outside of its base; and
- (b) Each warning message covers at least one quarter of the face it is displayed on; and
- (c) The explanatory message—
 - (i) Is displayed on, and covers at least one third of the inside of, its lid; and
 - (ii) Is oriented so that the upper edge of its background is no more than 3 mm below the edge of the lid opposite the hinge; and
- (d) Each message complies with regulation 7.

18. Alternative health messages on packages of tobacco products imported in small quantities—(1) This regulation applies to a tobacco product if, and only if,—

- (a) It is manufactured outside New Zealand; and
- (b) Its sales on the New Zealand market constitute less than 0.2% of the sales of tobacco products on the New Zealand market.

(2) In the case of a retail package containing a tobacco product to which this regulation applies, it is a sufficient compliance with regulation 6 (1), regulation 14 (1), or regulation 15 if the package displays, in the English language, a message that complies substantially with regulation 6 (1)(a).

Lists of Harmful Constituents on Cigarette Packs

19. Harmful constituents—Tar, nicotine, and carbon monoxide are harmful constituents for the purposes of section 32 (1) of the principal Act.

20. Lists of harmful constituents to be displayed on cigarette packs—A cigarette pack that is sold or offered for sale by a manufacturer, importer, distributor, or retailer must display a list in the following form (modified in accordance with regulation 21):

“The smoke from each cigarette contains, on average,—
 [xx] milligrams or less of tar—condensed smoke containing many chemicals, including some that cause cancer; and
 [yy] milligrams or less of nicotine—a poisonous and addictive drug; and
 [zz] milligrams or less of carbon monoxide—a deadly gas that reduces the ability of the blood to carry oxygen.”

21. Average tar, nicotine, and carbon monoxide content—The list required by regulation 20 must be displayed on a cigarette pack—

- (a) With the expression “[xx]” replaced—

(i) By the average amount of tar produced by a cigarette of the kind contained in the pack, when cigarettes of that kind are tested in accordance with the testing methods required by regulation 33; or

(ii) If, when cigarettes of that kind are tested in accordance with those testing methods, the average amount of tar produced by a cigarette does not exceed 16 mg, by the lowest weight in the first column of Schedule 4 that is greater than the average amount produced; and

(b) With the expression “[yy]” replaced—

(i) By the average amount of nicotine produced by a cigarette of the kind contained in the pack, when cigarettes of that kind are tested in accordance with the testing methods required by regulation 33; or

(ii) If, when cigarettes of that kind are tested in accordance with those testing methods, the average amount of nicotine produced by a cigarette does not exceed 1.5 mg, by the lowest weight in the second column of Schedule 4 that is greater than the average amount produced; and

(c) With the expression “[zz]” replaced—

(i) By the average amount of carbon monoxide produced by a cigarette of the kind contained in the pack, when cigarettes of that kind are tested in accordance with the testing methods required by regulation 33; or

(ii) If, when cigarettes of that kind are tested in accordance with those testing methods, the average amount of carbon monoxide produced by a cigarette does not exceed 20 mg, by the lowest weight in the third column of Schedule 4 that is greater than the average amount produced.

22. Format of list of harmful constituents—The text of a list of harmful constituents must be printed in black on a rectangular white background—

(a) In roman font in the typeface known as Helvetica:

(b) In upper-case and lower-case letters, as it is set out in regulation 20 (modified in accordance with regulation 21):

(c) In type that is—

(i) Clear and legible; and

(ii) Subject to paragraph (b), the same height throughout the message; and

(iii) Of normal weight; and

(iv) Subject to regulation 27 (2), of such a size that the text as nearly as possible fills that background:

(d) If regulation 23 (1) requires it to be displayed on a side of a cigarette pack, oriented so that the lines of type making it up are parallel to the longest edges of the side.

23. Position of list of harmful constituents—(1) In the case of a cigarette pack of a kind described in any of items 1, 2, 3, 5, and 7 of Schedule 2,—

(a) If 1 side of the pack is larger than the other or others, the list of harmful constituents must be displayed on that side:

- (b) If 2 or more sides of the pack of equal area are larger than the other or others, the list of harmful constituents must be displayed on 1 of those larger sides:
 - (c) If both or all the sides of the pack have the same area, the list of harmful constituents must be displayed on 1 of those sides.
- (2) In the case of a cigarette pack other than a cigarette pack of a kind described in any of items 1, 2, 3, 5, and 7 of Schedule 2, the list of harmful constituents may be displayed anywhere on it.

24. Area of background of list of harmful constituents—The background of a list of harmful constituents must cover,—

- (a) In the case of a cigarette pack that is not a flip-top pack, a carton, or a pack of a kind described in item 8 or item 9 of Schedule 2, the whole of the side the message is displayed on:
- (b) In the case of a flip-top pack, the whole of the side the message is displayed on except for the part that is part of the top:
- (c) In the case of a carton, at least one quarter of the side the message is displayed on:
- (d) In the case of a pack of a kind described in item 8 or item 9 of Schedule 2, at least 9% of the total surface area of the pack.

25. Alternative lists of harmful constituents on packages of cigarettes imported in small quantities—In the case of a retail package containing cigarettes to which regulation 18 applies, it is a sufficient compliance with regulation 20 if the package displays a list of harmful constituents—

- (a) In the English language; and
- (b) In a manner that is substantially to the same effect as the manner required by regulations 19 to 24.

Provisions Relating to All Messages and Lists

26. Messages and lists not to be obscured or damaged—(1) If a wrapper containing a single retail package is likely to obscure a message or list required by this Part to be displayed on the package, the message or list must also be displayed (in the manner in which it is required to be displayed on the package) on the corresponding portion of the wrapper.

(2) A message or list required by this Part to be displayed on a retail package must be so printed that it is not likely to be obliterated, removed, or rendered permanently unreadable, when the package is opened normally.

- (3) Subclause (2) does not apply to a message or list on a carton.

27. Ministry of Health warning—(1) Any warning message, explanatory message, or list of harmful constituents may include the attribution “*Ministry of Health Warning*”, printed after the rest of the message or list—

- (a) In upper-case and lower-case letters, as it is set out above; and
- (b) In italic font in the type face known as Helvetica; and
- (c) In a point size such that its risers are no more than half the height of the equivalent risers of—
 - (i) The English element of the message (in the case of a warning message):

(ii) The rest of the message or list (in the case of an explanatory message or a list of harmful constituents); and

(d) Otherwise in accordance with this Part.

(2) If the attribution “*Ministry of Health Warning*” is included in a warning message, explanatory message, or list of harmful constituents,—

(a) It is part of the text of the message or list; and

(b) The provisions of these regulations relating to warning messages, explanatory messages, and lists of harmful constituents apply accordingly.

(3) Subclause (2) is subject to paragraphs (b) and (c) of subclause (1).

28. Transitional arrangements for locally manufactured product—(1) This subclause applies to a retail package if, and only if, every tobacco product it contains was—

(a) Manufactured in New Zealand; and

(b) Packaged before 1 January 2000.

(2) It is on the part of a manufacturer a sufficient compliance with regulations 6 to 27 in relation to a retail package to which subclause (1) applies that is sold or offered for sale by the manufacturer, if the package complies with regulation 30 (1).

(3) Before 1 July 2000, it is on the part of a distributor or retailer a sufficient compliance with regulations 6 to 27 in relation to a retail package to which subclause (1) applies that is sold or offered for sale by the distributor or retailer, if the package complies with regulation 30 (1).

29. Transitional arrangements for imported product—(1) This subclause applies to a retail package if, and only if,—

(a) It was imported before 1 July 2000; and

(b) Every tobacco product it contains was manufactured outside New Zealand.

(2) It is on the part of an importer a sufficient compliance with regulations 6 to 27 in relation to a retail package to which subclause (1) applies that is sold or offered for sale by the importer, if the package complies with regulation 30 (1).

(3) Before 1 January 2001, it is on the part of a distributor or retailer a sufficient compliance with regulations 6 to 27 in relation to a retail package to which subclause (1) applies that is sold or offered for sale by the distributor or retailer, if the package complies with regulation 30 (1).

30. Compliance with former requirements—(1) A retail package complies with this subclause if (and only if) it displays, in accordance with the Smoke-free Environments Regulations (No. 2) 1990,—

(a) A message relating to the use of the tobacco product it contains on health; and

(b) In the case of manufactured cigarettes, a list of the harmful constituents, and their respective quantities, present in the smoke.

(2) The reference in subclause (1) to the Smoke-free Environments Regulations (No. 2) 1990 is a reference to those regulations in the form they were in immediately before they were revoked.

PART 2

OTHER MATTERS

Substantive Matters

31. Price lists given to retailers—For the purposes of section 22 (2) of the principal 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-point type, in upper-case Univers Medium Condensed Roman typeface.

32. Manufactured cigarettes to be tested—Manufactured cigarettes are a prescribed class of tobacco products for the purposes of section 33 of the principal Act.

33. 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 Standards Organisation:

- (a) For tar, ISO 4387:1991(E) (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine);
- (b) For nicotine, ISO 10315:1991(E) (Cigarettes - Determination of nicotine in smoke condensates - Gas chromatograph method);
- (c) For carbon monoxide, ISO 8454:1995(E) (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) or paragraph (b) or paragraph (c),—
 - (i) ISO 3308:1991(E) (Routine analytical cigarette-smoking machine-Definitions and standard conditions); and
 - (ii) ISO 8243:1991(E) (Cigarettes - Sampling); and
 - (iii) ISO 3402:1991(E) (Tobacco and tobacco products - Atmosphere for conditioning and testing).

34. Display of retailers’ names and trade names outside shops—If a retailer’s name or trade name contains any word or expression signifying that any tobacco product is available in the retailer’s place of business for purchase, its display on the exterior of that place is in accordance with these regulations if, and only if,—

- (a) It is not displayed more than twice on that exterior; or
- (b) Each display of the name or trade name on that exterior is accompanied, immediately beneath it, by a warning message, in lettering not less than half the size of the name or trade name.

35. Vending machines—(1) If a tobacco product is offered for sale by way of an automatic vending machine, the area that is used to depict or identify each brand of that product and its price on the machine must not exceed 90 mm × 55 mm.

(2) Every automatic vending machine from which a tobacco product is offered for sale must display on the front of the machine the health message “Smoking Causes Fatal Diseases”,—

- (a) In the case of a vending machine from which not more than 8 brands of the product are offered for sale, in Helvetica bold condensed lettering of 48-point type; and
- (b) In the case of a vending machine from which more than 8 brands of the product are offered for sale, in Helvetica bold condensed lettering that occupies not less than 25% of the aggregate area used for the brand display with the point size being increased in proportion.
- (3) The attribution “Ministry of Health Warning” or “Health Dept Warning” must appear in upper and lower case on a separate line below the health message in Univers light condensed 9 point.

36. Returns and reports—(1) A return required by section 35 (1) of the principal Act to be filed with the Director-General must be in the form in Schedule 5.

(2) A report required by section 35 (1) of the principal Act to be filed with the Director-General must be in the form in Schedule 6.

Amendments and Revocations

37. Tobacco product vending machines—Regulation 5 (3) of the Smoke-free Environments Regulations (No. 2) 1990 is amended by inserting, after the expression “‘Health Dept Warning’ ” the expression “or ‘Ministry of Health Warning’ ”.

38. Packages may comply with new regulations before commencement—The Smoke-free Environments Regulations (No. 2) 1990 are amended by inserting, after regulation 7, the following regulation:

“7A. It is a sufficient compliance with regulations 6 and 7 if a package that contains a tobacco product and that is sold or offered for sale by a manufacturer, importer, distributor, or retailer complies with the Smoke-free Environments Regulations 1999.”

39. Amendment consequential on enactment of Smoke-free Environments Amendment Act 1997—The Smoke-free Environments Regulations (No. 2) 1990 are amended by revoking regulation 4 (1).

40. Consequential revocations—(1) The Smoke-free Environments Regulations (No. 2) 1990 (S.R. 1990/352) are revoked.

(2) Regulations 37 to 39 of these regulations are revoked.

SCHEDULES

Reg. 6

SCHEDULE 1

WARNING AND EXPLANATORY MESSAGES

<i>Column 1</i> Item	<i>Column 2</i> Warning message	<i>Column 3</i> Explanatory message
1	<p>SMOKING CAUSES LUNG CANCER Ka mate koe i te kai hikareti</p>	<p>SMOKING CAUSES LUNG CANCER Ka mate koe i te kai hikareti Tobacco smoke contains many cancer-causing chemicals including tar. When you breathe the smoke in, these chemicals can damage the lungs, and can cause cancer. Lung cancer is the most common cancer caused by smoking. Lung cancer can grow and spread before it is noticed. It can kill rapidly. For more information, call 0800 778778.</p>
2	<p>SMOKING IS ADDICTIVE Ka mate koe i te kai hikareti</p>	<p>SMOKING IS ADDICTIVE Ka mate koe i te kai hikareti Nicotine, a drug in tobacco, makes smokers feel they need to smoke. The more you smoke, the more your body will depend on getting nicotine and you may find yourself getting hooked. It may be difficult to give up smoking once you are hooked on nicotine. For more information, call 0800 778778.</p>
3	<p>SMOKING KILLS Ka mate koe i te kai hikareti</p>	<p>SMOKING KILLS Ka mate koe i te kai hikareti In New Zealand, tobacco smoking causes more illness and early death than using any other drug. Tobacco smoking causes more than seven times the number of deaths caused by car accidents. For more information, call 0800 778778.</p>

SCHEDULE 1—*continued*WARNING AND EXPLANATORY MESSAGES—*continued*

<i>Column 1</i> Item	<i>Column 2</i> Warning message	<i>Column 3</i> Explanatory message
4	<p>SMOKING CAUSES HEART DISEASE Ka mate koe i te kai hikareti</p>	<p>SMOKING CAUSES HEART DISEASE Ka mate koe i te kai hikareti Tobacco smoking is a major cause of heart disease. It can cause blockages in the body's arteries. These blockages can lead to chest pain and heart attacks. Heart disease is the most common cause of death in New Zealand. Smokers run a far greater risk of having a heart attack than people who don't smoke. For more information, call 0800 778778.</p>
5	<p>SMOKING WHEN PREGNANT HARMS YOUR BABY Ka mate koe i te kai hikareti</p>	<p>SMOKING WHEN PREGNANT HARMS YOUR BABY Ka mate koe i te kai hikareti Poisons in tobacco smoke reach your baby through the bloodstream. If you smoke when you are pregnant, you greatly increase the chance of having a baby of low birth-weight. Smoking may lead to serious complications which could harm your baby. For more information, call 0800 778778.</p>
6	<p>YOUR SMOKING CAN HARM OTHERS Ka mate koe i te kai hikareti</p>	<p>YOUR SMOKING CAN HARM OTHERS Ka mate koe i te kai hikareti Tobacco smoke causes cancer and poisons people. People who breathe in your tobacco smoke can be seriously harmed. Your smoking can increase their risk of lung cancer and heart disease. Children who breathe your smoke may suffer asthma attacks and chest illnesses. For more information, call 0800 778778.</p>

Reg. 9

SCHEDULE 2

POSITION ON TOBACCO PACKAGE WHERE WARNING MESSAGES TO BE DISPLAYED

<i>Column 1</i> Item	<i>Column 2</i> Type of retail package	<i>Column 3</i> Position or positions of warning message
1	Flip-top pack	On the face that includes the front face of the top.
2	Soft pack	(a) If the brand name is displayed on only 1 of the largest faces, or is printed in larger type on 1 of those faces than on any other, on that face (b) In any other case, on either of the largest faces.
3	Any other retail package (except a pouch) all the faces of which are rectangular	(a) If the package is not a carton and 1 of its largest faces forms, or forms part of, a lid, on that face (b) If the package is a carton, on any of its largest faces (c) In any other case, on that 1 of the largest faces that is towards a person who holds the package correctly for the purpose of removing its contents.
4	Pouch pack	On that 1 of the largest faces of the folded pack that is not overlapped by its flap.
5	Cylindrical retail package containing cigarettes or cigars	On that part of the curved surface of the package extending one-twelfth of the circumference of the package each side of the vertical centre line of the largest brand name on that surface (or of 1 of the largest brand names on that surface).
6	Cylindrical retail package containing loose tobacco	On the circular or elliptical face forming, or forming part of, the lid.
7	Retail package in the shape of a hexagonal or octagonal prism, containing cigarettes or cigars	On that 1 of the rectangular faces displaying the largest brand name surface (or 1 of the largest brand names).

SCHEDULE 2—*continued*POSITION ON TOBACCO PACKAGE WHERE WARNING MESSAGES TO BE
DISPLAYED—*continued*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Type of retail package	Position or positions of warning message
8	Retail package— (a) Whose shape is not described in any of items 1 to 7; and (b) Whose total surface area is less than 145 cm ²	As far apart as possible.
9	Retail package— (a) Whose shape is not described in any of items 1 to 7; and (b) Whose total surface area is 145 cm ² or more	On any face.

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Reg. 16 (c)

SCHEDULE 3

AREAS TO BE OCCUPIED BY MESSAGES ON CERTAIN PACKAGES OF CIGARS

<i>Column 1</i> Item	<i>Column 2</i> Area of front and back face of package (cm ²)	<i>Column 3</i> Area to be occupied by warning message (cm ²)	<i>Column 4</i> Area to be occupied by explanatory message (cm ²)
1	less than 70	15	20
2	not less than 70 but less than 90	20	27
3	not less than 90 but less than 110	25	33
4	not less than 110 but less than 130	30	40
5	not less than 130 but less than 150	35	46
6	not less than 150 but less than 170	40	53
7	not less than 170 but less than 250	53	70
8	not less than 250 but less than 330	73	96
9	330 or larger	73	96

Reg. 21

SCHEDULE 4

FIGURES FOR DESCRIBING AVERAGE AMOUNTS OF TAR, NICOTINE, AND CARBON MONOXIDE

Tar (milligrams)	Nicotine (milligrams)	Carbon Monoxide (milligrams)
1	0.2	2
2	0.3	3
4	0.4	5
8	0.8	10
12	1.2	15
16	1.5	20

SCHEDULE 5
FORM OF RETURN

Reg. 36 (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:

<i>Common botanical or chemical name</i>	<i>Quantity not exceeded (percentage by weight)</i>

(d) Brand information:

<i>Brand and brand variant</i>	<i>Quantity released for sale</i>	<i>Price (see note)</i>

I, [Full name] of [Address], [Position held], certify that the information contained in/and annexed to* this return is correct for the purposes of the Smoke-free Environments Regulations 1999.

Dated at this day of

*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.

Reg. 36 (2)

SCHEDULE 6
FORM OF REPORT

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

Brand and brand variant	Tar	Nicotine	CO
	Mean CI*	Mean CI*	Mean CI*

*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 the [Name of manufacturer or importer] during the year [Year] for the purposes of section 33/section 34† of the Smoke-free Environments Act 1990.

Dated at this day of

† Delete as appropriate

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

The substantive provisions of these regulations, which come into force on 1 January 2000, replace the Smoke-free Environments Regulations (No. 2) 1990 (“the existing regulations”).

The provisions relating to the messages required to be printed on retail packages of tobacco products are new. They are based on and intended to have the same effect as the equivalent Australian legislation; and require most packages to carry 2 messages—

- a “warning message”, comprising a brief warning about the effects of smoking and the Maori words “Ka mate koe i te kai hikareti”; and
- an “explanatory message”, comprising the warning message, a longer explanation of the brief warning, and details of a toll-free telephone number that people who want advice on smoking may call.

In addition, packages of manufactured cigarettes will have to carry a “list of harmful constituents”, similar to the list required by the existing regulations, but stating carbon monoxide yield as well as tar and nicotine yield.

Local manufacturers will be able to sell at any time tobacco products packaged before 1 January 2000, if the packaging complies with the existing regulations.

Importers will be able to sell at any time tobacco products imported before 1 July 2000, if the packaging complies with the existing regulations.

Distributors and retailers—

- will be able to continue selling locally manufactured tobacco products whose packaging complies with the existing regulations until 1 July 2000; and
- will be able to continue selling imported tobacco products whose packaging complies with the existing regulations until 1 January 2001.

The other substantive provisions are to the same effect as the equivalent provisions of the existing regulations, with the addition of the prescription of tests for determining the carbon monoxide yield of manufactured cigarettes.

In addition, the existing regulations are amended with effect 28 days after the notification of these regulations in the *Gazette*. The amendments—

- allow manufacturers, importers, distributors, and retailers to choose to comply with the new provisions relating to messages immediately, instead of complying with the provisions relating to messages contained in the existing regulations; and
- allow the health messages on vending machines to say “Ministry of Health Warning” instead of “Health Dept Warning”; and
- revoke a spent provision.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 March 1999.

These regulations are administered in the Ministry of Health.