1990/352

THE SMOKE-FREE ENVIRONMENTS REGULATIONS (NO. 2) 1990

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of December 1990

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

ANALYSIS

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Smoke-free Environments Regulations (No. 2) 1990.

(2) These regulations shall come into force on the 16th day of December 1990.

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

"The Act" means the Smoke-free Environments Act 1990:

"Cigarette packet" means a packet containing less than 50 manufactured cigarettes:

"Loose cigarette tobacco" means tobacco prepared for smoking in hand-rolled cigarettes:

"Tar" in relation to a cigarette, means the corrected particulate matter determined in accordance with the Third Schedule to these regulations:

"Tar yield" means the tar delivery determined in accordance with the Third Schedule to these regulations.

3. Price lists of tobacco products supplied to retailers—For the purposes of section 22 of the Act, price lists given to retailers of tobacco products must contain the health message "Smoking causes fatal diseases" on each side of every page in the same print and format as the First Schedule to these regulations specifies in relation to the health message to be displayed on cigarette packets except that it must be in 24 point type size.

4. Advertising of tobacco products by retailers—(1) For the purposes of section 23 (1) (b) of the Act, every notice that identifies tobacco products that are available for purchase inside a retailer's place of business and that indicates their price must not exceed 297 mm x 630 mm in area.

(2) If the name or trade name of a retailer contains a word or expression signifying that a tobacco product is available for purchase at the retailer's place of business and is displayed on the exterior of the retailer's place of business more than twice, each display of that name or trade name must be accompanied, immediately beneath it, by a health message specified in the First Schedule to these regulations the lettering of which is not less than one-half the size of the name or trade name.

(3) For the purposes of section 23 (1) (c) of the Act, a sign that indicates that any tobacco product is offered for sale at a retailer's place of business must display a health message specified in the First Schedule to these regulations together with the attribution specified in that Schedule.

(4) In the case of signs of 903 cm^2 or greater, the health message must be displayed in 21 point Times New Roman Capitals with the attribution in 10 point of the same typeface below it. In other cases the health message and attribution may be reduced in proportion.

(5) The health message—

(a) Must occupy an area at the base of the sign and be centred in this area:

(b) May be printed in a colour already incorporated in the sign but must afford a distinct colour contrast to the background on which it appears:

(c) Must be outlined with a rectangular line of the same colour as the lettering of the health message itself.

(6) No words or material except the health message and the attribution may appear in the health message area.

(7) Nothing in subclauses (3) to (6) of this regulation applies to a sign that is less than 250 cm^2.

(8) Notwithstanding subclauses (3) to (6) of this regulation, any retailer of tobacco products may display, at any time before the 16th day of December 1991, any sign that indicates that any tobacco product is offered for sale even though the sign is not displayed in accordance with the requirements set out in those subclauses if the sign otherwise complies with the requirements specified in section 23 (1) (c) of the Act.

5. Tobacco product vending machines—(1) Where 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 2000 mm^2.

(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 percent of the aggregate area used for the brand display with the point size being increased in proportion.

(3) The attribution "Health Dept Warning" must appear in upper and lower case on a separate line below the health message in Univers light condensed 9 point.

6. Health messages to be displayed on packages containing tobacco products—(1) Subject to subclause (2) of this regulation, every package that contains a tobacco product and that is sold or offered for sale by a manufacturer, importer, distributor, or retailer must display a health message specified in the First Schedule to these regulations and in the manner specified in that Schedule.

(2) Every package that contains a tobacco product that has been manufactured in a country other than New Zealand, sales of which constitute less than 0.2 percent of sales of tobacco products on the New Zealand market, and that is sold or offered for sale by an importer, distributor, or retailer must display, in the English language, a health message specified in the First Schedule to these regulations or a health message substantially in the same terms or substantially to the same effect.

7. Harmful constituents to be displayed—(1) For the purposes of section 32 (1) of the Act, tar and nicotine are declared to be harmful constituents in relation to manufactured cigarettes.

(2) Subject to subclause (3) of this regulation, every package containing manufactured cigarettes that is sold or offered for sale by a manufacturer, importer, distributor, or retailer must display a list of harmful constituents in the manner specified in the Second Schedule to these regulations.

(3) Every package containing manufactured cigarettes that has been manufactured in a country other than New Zealand, sales of which constitute less than 0.2 percent of sales of manufactured cigarettes on the New Zealand market, and that is sold or offered for sale by an importer, distributor, or retailer must display, in the English language, a list of

harmful constituents in the manner specified in the Second Schedule to these regulations or in a manner that is substantially to the same effect.

8. Certain classes of tobacco product temporarily exempt from requirements of section 32 (1) (a)—Notwithstanding regulations 6 and 7 of these regulations, manufacturers, importers, distributors, and retailers may sell or offer for sale, during the period commencing on the 16th day of December 1990 and ending with the close of the 15th day of December 1991, tobacco products that are manufactured outside New Zealand, cigars, and cartons containing packets of manufactured cigarettes even though the package containing them does not comply with section 32 (1) (a) of the Act.

9. Testing for harmful constituents—(1) Manufactured cigarettes are a prescribed class of tobacco products for the purposes of section 33 of the Act.

(2) Tests under section 33 of the Act for the constituents of each brand of manufactured cigarettes sold by a manufacturer or importer and the respective quantities of those constituents must be conducted in accordance with the procedures set out in the Third Schedule to these regulations.

10. Returns and reports—(1) Every return required to be filed with the Director-General pursuant to section 35 (1) (a) of the Act by a manufacturer or importer of any tobacco product must be in the form set out in the Fourth Schedule to these regulations.

(2) Every report required to be filed with the Director-General pursuant to section 35 (1) (b) of the Act by a manufacturer or importer of the results of tests conducted for the purposes of section 33 or section 34 of the Act must be in the form set out in the Fifth Schedule to these regulations.

11. Revocation—The Smoke-free Environments Regulations 1990* are hereby revoked.

*S.R. 1990/280

SCHEDULES

Reg. 6

FIRST SCHEDULE

HEALTH MESSAGES FOR TOBACCO PRODUCTS OTHER THAN PIPE TOBACCO AND CIGARS

SMOKING CAUSES LUNG CANCER

SMOKING CAUSES HEART DISEASE

SMOKING DAMAGES YOUR LUNGS

SMOKING CAUSES FATAL DISEASES

DISPLAY REQUIREMENTS

1. The lettering must be upper case Univers 57 Medium Condensed Roman typeface of not less than 14 point. If 14 point size is impracticable, the nearest practicable point size must be used.

2. The attribution "Health Dept Warning" must appear in upper and lower case on a separate line below the health message in letters one-half of the point size of the letters in which the health message is printed, in Univers 55 Medium Roman typeface.

3. No other words or material may appear in the health message area.

4. In the case of cigarette packets,—

(a) The health messages must be applied in production of each brand in a manner that will ensure as equal as possible a distribution of each health message:

(b) The space reserved for the health message must be not less than 15 percent of the area of the front and of the back of the cigarette packet:

(c) The same health message must appear at the base of both the front and back of the packet:

(d) The health message may be printed in a colour already incorporated in the packet design but must afford a distinct colour contrast to the background on which it appears.

5. Each printed cover or wrapper of cigarettes packaged for retail sale in bulk must display one of the health messages on each of the 2 larger faces. If the brand name does not appear on 2 faces, the health message must be printed on the larger or largest main face of the cover or wrapper carrying the brand name. The form of each health message on the cover or wrapper must be the same as on the cigarette packets.

The health messages must be applied in a manner that ensures as equal as possible a distribution of each message. Clause 4 (d) of this Schedule must be complied with in relation to colour and contrast.

6. In the case of pouches, tins, or packets of loose cigarette tobacco—

(a) The health messages must be applied in production of each brand in a manner that will ensure as equal as possible a distribution of each health message:

FIRST SCHEDULE—*continued*

HEALTH MESSAGES FOR TOBACCO PRODUCTS OTHER THAN PIPE TOBACCO AND CIGARS—*continued*

(b) The health message, in the case of pouches and packets, must be displayed on the front face of the pouch or packet and must not be obscured by any flap:

(c) The health message, in the case of a tin, must appear on the outer surface of the container and the lid:

(d) The form and size of the health message must be the same as in the case of cigarette packets.

HEALTH MESSAGE FOR PIPE TOBACCO

SMOKING CAUSES LUNG CANCER

DISPLAY REQUIREMENTS

1. The lettering must be upper case Univers 57 Medium Condensed Roman typeface of not less than 14 point. If 14 point size is impracticable, the nearest practicable point size must be used.

2. The attribution "Health Dept Warning" must appear in upper and lower case on a separate line below the health message in letters of one-half of the point size of the letters in which the health message is printed, in Univers 55 Medium Roman typeface.

3. No other words or material may appear in the health message area.

4. In the case of pouches and packets, the health message must be displayed on the front face of the pouch or packet and must not be obscured by any flap.

5. In the case of a tin, the health message must appear on the outer surface of the container and the lid.

6. The health message may be printed in a colour already incorporated in the design of the pouch, packet, or tin but must afford a distinct colour contrast to the background on which it appears.

HEALTH MESSAGE FOR CIGARS

SMOKING CAUSES LUNG CANCER

DISPLAY REQUIREMENTS

1. The lettering must be upper case Univers 57 Medium Condensed Roman typeface of not less than 14 point. If 14 point size is impracticable, the nearest practicable point size must be used.

2. The attribution "Health Dept Warning" must appear in upper and lower case on a separate line below the health message in letters of one-half of the point size of the letters in which the health message is printed, in Univers 55 Medium Roman typeface.

3. No other words or material may appear in the health message area.

FIRST SCHEDULE—*continued*

HEALTH MESSAGE FOR CIGARS—*continued*

4. The health message must be displayed—

(a) In the case of a flat box or pouch, on the front face of the lid or pouch and must not be obscured by any flap:

(b) In the case of a packet containing not more than 50 cigars, on the 2 largest visible surface areas:

(c) In the case of a tin, on the outer surface of the container and the lid.

5. The health message may be printed in a colour already incorporated in the design of the pouch, packet, or tin but must afford a distinct colour contrast to the background on which it appears.

Reg. 7

SECOND SCHEDULE

DISPLAY OF HARMFUL CONSTITUENTS ON CIGARETTE PACKETS

1. Tar and nicotine yields must be expressed as yields in relation to each cigarette within the following ranges:

Tar (mg)	Nicotine (mg)
1–6	0.1–0.6
7–11	0.7–1.1
12–16	1.2–1.6
17–21	1.7–2.1
22+	2.2+

2. The respective tar and nicotine yields must be displayed on a surface of the packet separate from a surface on which a health message is displayed.

3. The respective tar and nicotine yields must—

(a) Be determined in accordance with the method specified in the Third Schedule to these regulations; and

(b) In the case of tar yields, be stated to the nearest milligram with any test result containing the figure .5 being rounded up to the nearest milligram; and

(c) In the case of nicotine yields, be stated to the nearest tenth of a milligram with any test result containing the figure .05 being rounded up to the nearest tenth of a milligram; and

(d) Be stated in the following form:

Tar (CPM) mg
Nicotine mg

4. The tar and nicotine yields may be printed in a colour already incorporated in the design of the pouch, packet, or tin but must afford a distinct colour contrast to the background on which they appear.

THIRD SCHEDULE

Reg. 9

PROCEDURE FOR TESTING CONSTITUENTS OF CIGARETTES

1. *Scope and Purpose*

This Schedule sets out the procedure for the determination of corrected particulate matter and nicotine in cigarettes and defines the smoking parameters, the standard room conditions, and the equipment required. The purpose of the test procedure is to determine a standard index of the corrected particulate matter and nicotine generated when a cigarette is smoked by machine in accordance with the prescribed test procedure.

2. *Interpretation of terms*

Total particulate matter is that fraction of mainstream smoke which is retained under standard conditions by glass fibre filter disc together with deposits on the inner surface of the filter disc holder expressed in mg/cigarette.

Dry particulate matter is the particulate matter obtained by subtraction of water yield in mg/cigarette from total particulate matter.

Water yield is water retained by a glass fibre filter disc together with water deposited on the inner surface of the filter disc holder when a cigarette is smoked under the conditions of the test expressed in mg/cigarette.

Corrected particulate matter is the particulate matter obtained by further subtraction of nicotine yield in mg/cigarette from the dry particulate matter.

Nicotine yield is nicotine retained by a glass fibre filter disc together with nicotine deposited on the inner surface of the filter disc holder when a cigarette is smoked under the conditions of test expressed in mg/cigarette.

3. *Principle*

Cigarettes must be smoked according to a standardised procedure. To allow for run-to-run variations, 80 cigarettes of the brand being tested must be distributed over at least 4 smoking runs.

4. *Reagents and Materials*

During the analysis, unless otherwise specified, reagents of recognised analytical reagent grade and distilled water or water of equivalent purity are to be used.

Absolute ethanol, or other suitable reagent, further dried by storing over molecular sieves.

n-Propanol, or other suitable reagent, at least 98% pure grade.

n-Dodeconal, or other suitable reagent, at least 98% pure grade.

Nicotine, at least 98% pure grade.

Distilled water.

Extracting solution. An extracting solution containing approximately 1% v/v n-Propanol (or other suitable reagent), and approximately 0.1% v/v n-Dodeconal (or other suitable reagent), in absolute ethanol (or other suitable reagent). The solution must be stored over molecular sieves.

5. *Apparatus*

An automatic multiport cigarette smoking machine that complies with the characteristics described in Section 5 of International Standard 1S0 3308 unless otherwise specified.

THIRD SCHEDULE—*continued*

PROCEDURE FOR TESTING CONSTITUENTS OF CIGARETTES—*continued*

Gas chromatograph(s) equipped with thermal conductivity or flame ionization detectors and analytical columns appropriate for the quantitative determination of water and nicotine.

Barometer—to measure atmospheric pressure.

Thermometer—to measure ambient temperature.

Automatic liquid dispenser—capable of dispensing 10 or 15: 0.01 ml reproducibly.

Analytical balance—capable of weighing to 0.1 mg.

Wrist action mechanical shaker (or equivalent).

Clinbritic bottles—cylindrical narrow-necked glass bottles used for holding small quantities of liquid.

Serum stoppers—flexible rubber stoppers, the sides of which can be pulled down around the neck of a bottle to provide an effective seal.

6. *Sampling*

The sample shall be made up of packets selected as representative of cigarettes sold.

The result obtained from each cigarette brand under test shall be the mean of at least 80 cigarettes selected at random from at least 12 packets.

7. *Procedure*

Nicotine Calibration

Concentrated Nicotine Solution. Approximately 0.5 mg (to nearest 0.1 mg) of nicotine must be accurately weighed into a 100 ml volumetric flask, made up to volume with extracting solution and mixed thoroughly.

Nicotine Working Solution. Approximate volumes of concentrated solution must be measured into a series of volumetric flasks to give working solutions with a range of concentrations between approximately 0.20 and 1.00 mg/ml nicotine. The flasks must be made up to a volume with extracting solution and mixed thoroughly.

1–2 microlitre of each working solution must be injected into the gas chromatograph and the area ratio nicotine:n-Dodeconal (or other suitable reagent) measured.

The area ratios versus nicotine concentration (mg/ml) must be graphed.

Water Calibration

A conditioned glass fibre filter disc must be placed into each of a series of clean, dry Clinbritic (or equivalent) bottles.

10 or 15 ml (± 0.01 ml) of extracting solution must be accurately measured into each bottle and sealed with a serum stopper (or equivalent).

At least 2 of the bottles must be set aside for use as blanks.

Distilled water must be accurately weighed into each of the remaining bottles to give working solutions with a range of water concentrations between approximately 0.20 and 2.0 mg/ml.

The bottles must be shaken on a wrist action shaker (or equivalent) for at least 30 minutes.

1–2 microlitre of each working solution and the blank solutions must be injected into the gas chromatograph and the area ratio water:n-Propanol (or other suitable reagent) measured.

The area ratio obtained for the blank must be subtracted from each working solution ratio to give the corresponding corrected area ratio.

THIRD SCHEDULE—*continued*

PROCEDURE FOR TESTING CONSTITUENTS OF CIGARETTES—*continued*

The corrected area ratios versus water concentration (mg/ml) must be graphed.

Smoking Conditions

The Smoking Room: the smoking room shall be maintained at standard conditions of 22 ± 1 degree C and a relative humidity of 60 ± 2%.

Cigarette Conditioning: cigarettes shall be preconditioned for 24 hours minimum at the standard conditions prior to smoking.

Butt Length: the standard butt length shall be 30 mm except for cigarettes with tipping greater than 27 mm, which shall be smoked to tipping plus 3 mm. A mark designating the length shall be inscribed on the cigarettes.

Smoking Parameters

Smoking shall be divided into runs with each run comprising 20% monitor cigarettes and the balance comprising brands under test. Unless it is unavoidable, no fewer than 4 brands under test shall be smoked in each run and the cigarettes tested in a minimum of 4 runs over a period of not less than 4 days. Where fewer than 4 brands are required to be tested, each run shall comprise 4 ports of monitor cigarettes and 4 ports of each of the brands under test.

Number of Cigarettes per Port: the number of cigarettes smoked per port shall be 5.

Rotation of Cigarettes: each cigarette brand and the monitor cigarettes shall be rotated sequentially from port to port over the 4 run period to compensate for port to port variations.

Filter Disc and Filter Disc Holder: the total particulate matter derived from the smoking shall be trapped on a glass fibre filter disc (having a diameter of at least 44 mm x 1.2 mm thick and which is capable of retaining at least 99% of all particulate matter larger than 0.3 micron diameter) held in a filter disc holder. The cigarette holder shall be capable of holding the cigarette butt in an airtight manner.

Smoking Technique

The filter disc holders containing the filter disc must be accurately weighed (to the nearest 0.1 mg) prior to smoking.

The filter disc holders must be inserted into the smoking machine. The cigarettes must be inserted into the holders and the smoking cut off device must be adjusted to the minimum butt length.

Smoking is initiated by either an automatic lighting mechanism or a hand-held device and must proceed until the cut-off point is reached.

After smoking the appropriate number of cigarettes per port, the filter disc holders must be removed from the smoking machine and accurately reweighed (to the nearest 0.1 mg).

Each filter disc shall be removed from its holder then folded and used to wipe any condensate trapped on the inner surface of the holder.

The filter disc shall be placed in a clean, dry Clinbritic (or equivalent) bottle (at least 25 ml capacity) and stopper with a serum stopper (or equivalent).

THIRD SCHEDULE—*continued*

PROCEDURE FOR TESTING CONSTITUENTS OF CIGARETTES—*continued*

Analysis of total particulate matter

10 or 15 ml (± 0.01 ml) of extracting solution shall be added to each Clinbritic (or equivalent) bottle containing filter disc and total particulate matter.

The bottles with the serum stopper (or equivalent) must be resealed and shaken for at least 30 minutes on a wrist action shaker (or equivalent).

1-2 microlitres of the solution shall be injected into the gas chromatograph(s). The area ratios water:n-Propanol (or other suitable reagent), and nicotine:n-Dodeconal (or other suitable reagent) shall be measured.

The previously determined water blank ratio shall be subtracted from the water:n-Propanol (or other suitable reagent) ratio and the water content (mg/ml) of each solution shall then be determined by comparison with the water calibration graph.

The nicotine content (mg/ml) of each solution shall then be determined by comparison with the water calibration graph.

8. *Calculations.*

Calculations of total particulate matter:

$$\text{Total particulate matter (mg/cigarette)} = \frac{(A-B)}{N} \times \frac{1000}{1}$$

Where—A = mass (g) of filter disc holder + filter disc after smoking.
B = mass (g) of filter disc holder + filter disc before smoking.
N = number of cigarettes smoked per port.

Calculation of nicotine yield:

Convert the concentrations of each component to mg/cigarette using the equation:

$$\text{Nicotine yield (mg/cigarette)} = \text{Nicotine found (mg/ml)} \times \frac{V}{N}$$

Where—V = volume of extracting solution added (ml)
N = Number of cigarettes per port.

Calculation of water yield:

$$\text{Water yield (mg/cigarette)} = \text{Water found (mg/ml)} \times \frac{V}{N}$$

Where—V = volume of extracting solution added (ml)
N = Number of cigarettes per port.

Calculation of corrected particulate matter:

$$\text{Corrected particulate matter (mg/cigarette)} = \text{Total particulate matter (mg/cigarette)}$$

—water yield (mg/cigarette) — nicotine (mg/cigarette).

FOURTH SCHEDULE

Reg. 10

FORM OF RETURN

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:

Common botanical or chemical name	*Quantity not exceeded (percentage by weight)*

(d) Brand information

Brand and brand variant	*Quantity released for sale*	*Price (see note)*

I [*Full name*] of [*Address*], [*Position held*] hereby certify that the information contained in/and annexed to* this return is correct for the purposes of the Smoke-free Environments Regulations (No. 2) 1990.

Dated at this day of 19

*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. 10

FIFTH SCHEDULE

FORM OF REPORT OF TESTS CONDUCTED BY MANUFACTURER OR IMPORTER

Manufacturer or importer:

Laboratory:

Calendar year:

Product:

Brand and brand Variant	*Tar*	*Nicotine*
	Mean CI*	Mean CI*

*CI = 95 percent confidence interval

I [*Full name*] of [ ], [*Position held in testing laboratory*] hereby certify that the report correctly records the results of all tests carried out at the laboratory at [*Specify location*] by or on behalf of the [*Specify name of manufacturer or importer*] during the year [*Specify*] for the purposes of regulation 33/regulation 34† of the Smoke-free Environments Regulations (No. 2) 1990.

Dated at this day of 19 .

†Delete as appropriate

C. J. Hill,
for Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations replace the Smoke-free Environments Regulations 1990 but are in substantially the same terms as those regulations.

The regulations come into force on 16 December 1990 and prescribe requirements for the purposes of Part II of the Smoke-free Environments Act 1990.

Regulation 3 specifies, for the purposes of section 22 of that Act, the health message that must be displayed on price lists given to retailers of tobacco products. This regulation requires the health message "Smoking causes fatal diseases" to be displayed in place of the health message "Cigarettes are addictive".

Regulation 4 prescribes requirements in relation to advertising of tobacco products by retailers but omits the requirement contained in regulation 4 (3) (a) of the previous regulations that any sign that advertises a tobacco product at a retailer's place of business must not exceed 215 column centimetres or 903 cm^2. The regulation now permits retailers to display, until 16 December 1991, signs advertising tobacco products even though such signs do not comply with the requirements of the regulations if they comply in all other respects with section 23 (1) (c) of the Act. This will allow existing signs to remain for 12 months even though they do not carry a health message.

Regulation 5 prescribes the maximum size of the area on an automatic vending machine that may be used to identify brands and prices of tobacco products and specifies the health message that must be displayed on the machine. The regulation has been altered to require display of the attribution "Health Dept Warning".

Regulation 6 is unchanged and specifies, for the purposes of section 32 of the Act, the health messages that must be displayed on packages of tobacco products sold or offered for sale by manufacturers, importers, distributors, and retailers.

Regulation 7 prescribes, for the purposes of section 32 of the Act, the harmful constituents of manufactured cigarettes and specifies the requirements for the display of those constituents. This regulation now specifies that packets of imported cigarettes must display the harmful constituents either in the manner specified in the Second Schedule to the regulations or in a manner that is substantially to the same effect.

Regulation 8 is new and permits manufacturers, importers, distributors, and retailers to sell or offer for sale, until the close of 15 December 1991, tobacco products manufactured outside New Zealand, cigars, and cartons containing packets of manufactured cigarettes even though the labelling requirements prescribed in the regulations are not complied with.

Regulation 9, which is in the same terms as regulation 8 of the existing regulations, prescribes manufactured cigarettes as a class of tobacco products for the purposes of section 33 of the Act and prescribes the test procedure to determine the constituents and the quantities of the constituents in such cigarettes sold by manufacturers and importers.

Regulation 10, which is in the same terms as regulation 9 of the existing regulations, prescribes the form of return required to be filed with the Director-General of Health by manufacturers and importers of tobacco products under section 35 (1) (a) of the Act. It also prescribes the form of report of the test results conducted under section 33 or section 34 of the Act that is required to be filed with the Director-General of Health by manufacturers and importers.

The regulations also make minor amendments to the First, Third, and Fifth Schedules, and substitute a new Fourth Schedule.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette:* 17 December 1990.
These regulations are administered in the Department of Health.