



# Trade Practices (Consumer Product Information Standards) (Tobacco) Amendment Regulations 2005 (No. 1)<sup>1</sup>

Select Legislative Instrument 2005 No. 229

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 6 October 2005

P. M. JEFFREY  
Governor-General

By His Excellency's Command

CHRIS PEARCE  
Parliamentary Secretary to the Treasurer

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**1 Name of Regulations**

These Regulations are the *Trade Practices (Consumer Product Information Standards) (Tobacco) Amendment Regulations 2005 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004***

Schedule 1 amends the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 5, after definition of *retail package***

*insert*

*seal* means the following, as the context requires:

- (a) a decorative adhesive paper or label affixed to the surface of a package to seal the wrapper;
- (b) an adhesive bond.

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**[2] Subregulation 7 (2)**

*after*

package

*insert*

(other than a larger package that complies with regulation 7A)

**[3] After regulation 7**

*insert in Part 2*

**7A Fully transparent larger packages — ‘front and back’**

- (1) A larger package complies with this regulation if:
- (a) the wrapper comprising the larger package is totally transparent; and
  - (b) the smaller packages contained within the larger package are:
    - (i) all the same kind of package; and
    - (ii) arranged so that:
      - (A) only the front face of a smaller package or packages is visible at one side of the larger package, and only the back face of a smaller package or packages is visible at the opposite side; or
      - (B) only the front face of a smaller package or packages is visible at one end of the larger package, and only the back face of a smaller package or packages is visible at the opposite end.

*Note 1* A larger package that complies with regulation 7A is exempt from the labelling requirements in Parts 3 and 4 — see subregulation 7 (2).

*Note 2* Subparagraph (b) (ii) permits the smaller packages mentioned in that provision to be arranged in ‘ranks’ or in ‘files’.

- (2) A larger package does not fail to comply with subregulation (1) by reason only that it bears any of the following markings:
  - (a) bar coding;
  - (b) labelling information required by a law of a State or Territory;
  - (c) calibration marks to assist the operation of an automatic packaging machine.

**[4] Regulation 14**

*omit*

**[5] Subparagraphs 26 (1) (b) (iv) and (v)**

*substitute*

- (iv) for a warning message — as follows:
  - (A) for the words ‘Health Authority Warning’ — normal weight;
  - (B) in any other case — normal weight or bold weight; and
- (v) for an explanatory message — of normal and bold weight as the text of the message is set out in Part 2.2 of Schedule 2 ; and
- (vi) of such a size that the text as nearly as possible fills the background on which it is printed; and

**[6] Subparagraph 26 (2) (b) (iv)**

*substitute*

- (iv) of normal weight or bold weight, as follows:
  - (A) for the words ‘Health Authority Warning’ — normal weight;
  - (B) in any other case — normal weight or bold weight; and

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**[7] Regulation 28**

*omit*

**[8] Regulation 31**

*omit*

A graphic

*insert*

Subject to regulation 32, a graphic

**[9] Regulation 32**

*substitute*

**32 Graphics — permitted variations**

- (1) A graphic that is required by this Part to be printed on a retail package may be cropped only if:
  - (a) it is necessary to do so to fit the graphic on to the retail package; and
  - (b) the overall effect of the graphic is not affected by the cropping.
- (2) If a graphic that is required by this Part to be printed on a retail package contains a horizontal, vertical, diagonal or similar division that divides the graphic into parts (*old parts*), the graphic may be printed with a different division only if:
  - (a) the different division divides the graphic into equal parts (*new parts*); and
  - (b) the old parts are cropped and placed within the new parts; and
  - (c) the overall effect of the graphic is not affected by the new division.

- (3) If a graphic that is required by this Part to be printed on a retail package contains an overlay of a message in text, the overlay may be placed in a different position only if:
  - (a) the overlay is completely contained within the graphic; and
  - (b) the overall effect of the graphic is not affected by the new position of the overlay.

**[10] Regulation 36**

*substitute*

**35A Retail package to bear messages and graphics**

A relevant retail package must bear a warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 201 to 214 of Schedule 2.

**36 Alternation and rotation of messages and graphics**

- (1) For regulation 35A, if a retail package is required to bear a message or graphic mentioned in items 201 to 214 of Schedule 2, the manufacturer or importer of the package must:
  - (a) print the appropriate message or graphic on the package, or ensure that it is printed on the package, in relation to the period mentioned in subregulation (2); and
  - (b) ensure that, during the period, each message appears as nearly as practicable on an equal number of packages of each different kind of cigarette and of loose or pipe tobacco.

*Note* For paragraph (b), regulation 39 sets out what constitutes different kinds of cigarettes or tobacco.

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- (2) For subregulation (1), the messages, graphics and periods are:
- (a) the warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 201 to 207 of Schedule 2, for:
    - (i) the period beginning on the commencement of this regulation and ending on 28 February 2006; and
    - (ii) the period of 8 months beginning on 1 March in a year ending with an even number; and
  - (b) the warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 208 to 214 of Schedule 2, for the period of 8 months beginning on 1 March in a year ending with an odd number.
- (3) For the avoidance of doubt, a year ending with a zero is taken to be a year ending with an even number.

**[11] Regulation 39**

*omit*

paragraphs 36 (1) (b) and (2) (b)

*insert*

regulation 36

**[12] Schedule 2, item 102, heading**

*omit*

Soft pack

*insert*

Soft pack with a seal that is not clear

**[13] Schedule 2, after item 102**

*insert*

<b>Item 102A</b>	<b>Soft pack with a clear seal</b>		
<b>Face</b>	Front	Back	Side
<b>Content</b>	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
<b>Specifications</b>	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> <li>(a) cover at least 30% of the total area of the front face; and</li> <li>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</li> <li>(c) extend as close as possible to the side edges of the front face; and</li> <li>(d) be positioned so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened</li> </ul>	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> <li>(a) cover at least 90% of the total area of the back face; and</li> <li>(b) be positioned parallel to, and as close as possible to, the top edge of the back face; and</li> <li>(c) extend as close as possible to the side edges of the back face; and</li> <li>(d) be positioned so that the warning message, corresponding graphic and corresponding explanatory message will not be obscured, severed or obliterated when the pack is opened</li> </ul>	<p>The information message must cover the total area of 1 side of the pack, other than the space required for the 'tidy man' symbol</p>
<b>Layout</b>	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—



**[14] Schedule 2, items 103 and 104***substitute***Item 103 Vertical carton — semi-transparent and non-transparent**

<b>Face</b>	<b>Front</b>	<b>Back</b>	<b>Side</b>
<b>Content</b>	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
<b>Specifications</b>	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> <li>(a) cover at least 30% of the total area of the front face; and</li> <li>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</li> <li>(c) extend as close as possible to the side edges of the front face</li> </ul>	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> <li>(a) if the back face is partially obscured by a seal: <ul style="list-style-type: none"> <li>(i) cover as much of the remainder of the back face as practicable; and</li> <li>(ii) in any case cover at least 90% of remaining area of the back face; and</li> </ul> </li> <li>(b) in any other case — cover at least 90% of the total area of the back face; and</li> <li>(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and</li> <li>(d) extend as close as possible to the side edges of the back face</li> </ul>	<p>The information message must cover 25% of the total area of 1 side of the carton</p>

<b>Item 103 Vertical carton — semi-transparent and non-transparent</b>			
<b>Layout</b>	Front layout 1 — see Division 2.3.2	(a) if the back face is partially obscured by a seal — Back Layout 4 or Back Layout 5 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the Layout;  (b) in any other case — Back Layout 1  Back Layouts 1, 4 and 5 — see Division 2.3.3	—
<b>Item 104 Horizontal carton — semi-transparent and non-transparent</b>			
<b>Face</b>	Front	Back	Side
<b>Content</b>	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
<b>Specifications</b>	The warning message and the corresponding graphic must: (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) be positioned as close as possible to the left hand edge of the front face	The warning message, corresponding graphic and corresponding explanatory message must: (a) if the back face is partially obscured by a seal: (i) cover as much of the remainder of the back face as practicable; and (ii) in any case cover at least 90% of remaining area of the back face; and (b) in any other case — cover at least 90% of the total area of the back face; and	The information message must cover 25% of the total area of 1 side of the carton
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**Item 104**      **Horizontal carton — semi-transparent and non-transparent**

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**Layout**

Front layout 2 — see Division 2.3.2

- (c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and
  - (d) extend as close as possible to the side edges of the back face
  - (a) if the back face is partially obscured by a seal — Back Layout 4 or Back Layout 5 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the Layout;      —
  - (b) in any other case — Back Layout 2
- Back Layouts 2, 4 and 5 — see Division 2.3.3
-

**[15] Schedule 2, item 109**

*omit*

<p><b>Specifications</b></p>	<p>For a front face with portrait orientation, the warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"><li>(a) cover at least 30% of the total area of the front face; and</li><li>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</li><li>(c) extend as close as possible to the side edges of the front face</li></ul> <p>For a front face with landscape orientation, the warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"><li>(a) cover at least 30% of the total area of the front face; and</li><li>(b) be positioned parallel to, and as close as possible to, the top and left hand sides of the front face; and</li><li>(c) be oriented in the same direction as the largest brand name on the front face</li></ul>	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"><li>(a) cover at least 50% of the total area of the back face; and</li><li>(b) be positioned parallel to, and as close as possible to, the top edge of the back face; and</li><li>(c) extend as close as possible to the side edges of the back face</li></ul>	<p>The information message must be printed within a rectangle measuring at least 80 mm by 25 mm that is positioned:</p> <ul style="list-style-type: none"><li>(a) in the centre of the inside of the pouch, under the flap, and as close as possible to the top edge of the sealed inner pouch; or</li><li>(b) in the centre of the inside surface of the flap that folds over the back face</li></ul>
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*substitute***Specifications**

For a front face with portrait orientation, the warning message and the corresponding graphic must:

- (a) cover at least 30% of the total area of the front face; and
- (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and
- (c) extend as close as possible to the side edges of the front face

For a front face with landscape orientation, the warning message and the corresponding graphic must:

- (a) cover at least 30% of the total area of the front face; and
- (b) be positioned parallel to, and as close as possible to, the top and left hand sides of the front face

The warning message, corresponding graphic and corresponding explanatory message must:

- (a) cover at least 50% of the total area of the back face; and
- (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and
- (c) extend as close as possible to the side edges of the back face

The information message must be printed within a rectangle measuring at least 80 mm by 25 mm that is positioned:

- (a) in the centre of the inside of the pouch, under the flap, and as close as possible to the top edge of the sealed inner pouch; or
- (b) in the centre of the inside surface of the flap that folds over the back face

**[16] Schedule 2, item 204**

*omit*

Smoking narrows your arteries causing them to become clogged

*insert*

Smoking narrows your arteries, causing them to become clogged,

**[17] Schedule 2, item 206**

*substitute*

206 SMOKING – A  
LEADING CAUSE OF  
DEATH

Health Authority  
Warning

Smoking causes more deaths than murder, illegal drugs, motor vehicle accidents and alcohol combined. Smokers not only live shorter lives, they also live more years with disabling health problems.

You CAN quit smoking. Call **Quitline 131 848**, talk to your doctor or pharmacist, or visit **www.quitnow.info.au**

\* Source: AIHW Quantification of drug caused mortality and morbidity in Australia, 1998 and ABS Causes of Death, 1998.



**[18] Schedule 2, item 211***omit*

your heart

*insert*

your heart,

**[19] Schedule 2, item 212***omit*

brain

*insert*

brain,

**[20] Schedule 2, item 214***omit*

which contribute directly to the formation of cancer in smokers, and **carbon monoxide** which reduces the ability of blood to carry oxygen.

*insert*

(which contribute directly to the formation of cancer in smokers), and **carbon monoxide** (which reduces the ability of blood to carry oxygen).

**[21] Schedule 2, Division 2.3.3, after Back Layout 3***insert***Back layout 4**

Warning message	
(Seal)	
Graphic and Quitline logo	Explanatory message

**Conditions for Back Layout 4**

- (a) Layout may only be used if the warning message occupies the lesser portion of the remainder of the face, having regard to the division made by the seal; and
- (b) The warning message must be not less than 20 mm in height.

**Back layout 5**

Graphic and Quitline logo	Explanatory message
(Seal)	
Warning message	

**Conditions for Back Layout 5**

- (a) Layout may only be used if the warning message occupies the lesser portion of the remainder of the face, having regard to the division made by the seal; and
- (b) The warning message must be not less than 20 mm in height.



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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).