

(4 August 1995 – to date)

TOBACCO PRODUCTS CONTROL ACT 83 OF 1993

*(Government Notice 1156 in Government Gazette 14916 dated 2 July 1993. Commencement date:
1 February 1994 [Proc. No. R.10, Gazette No. 15453 dated 28 January 1994])*

REGULATIONS RELATING TO THE LABELLING, ADVERTISING AND SALE OF TOBACCO PRODUCTS

*Government Notice 2063 in Government Gazette 16111 dated 2 December 1994. Commencement date:
31 May 1995.*

As amended by:

*Government Notice R1147 (Correction Notice to Afrikaans text only) in Government Gazette 16588 dated 4
August 1995.*

*Government Notice R1148 in Government Gazette 16588 dated 4 August 1995. Commencement date:
4 August 1995.*

The Minister for Health has, in terms of section 6 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), made the regulations contained in the Schedule hereto.

SCHEDULE

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1. Definitions

In these regulations "the Act" means the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), and any expression to which a meaning has been assigned in the Act shall bear such meaning.

2. Warnings and information

- (1) A package or an advertisement referred to in column A of Annexure 1 shall reflect or contain-
 - (a) one of the warnings set out in Part A of Annexure 2, which shall—
 - (i) be positioned in the manner; and
 - (ii) fill the area on the package or the advertisement or be of the duration,

described in column B of Annexure 1;
 - (b) the warning set out in Part B of Annexure 2 appearing opposite the warning reflected or contained in terms of paragraph (a), which shall—
 - (i) be positioned in the manner; and
 - (ii) fill the area on the package or the advertisement or be of the duration,

described in column C of Annexure 1; and
 - (c) the information set out in Annexure 3, which shall—
 - (i) be positioned in the manner; and
 - (ii) fill the area on the package or the advertisement or be of the duration,

described in column D of Annexure 1.
- (2) In the case of a verbal advertisement the warning and information contemplated in subregulation (1) shall be read in the same voice as is used to read the advertisement.

3. Print and appearance of warnings and information

- (1) The warning and information to be reflected on a package or contained in an advertisement in terms of regulation 2 shall be—
 - (a) in the same language as the main language used on the package or in the advertisement (but in one of the official languages of South Africa);
 - (b) in Helvetica type;

- (c) in black, red or blue print on a white background on one half of the packages or advertisements and in white print on a black, red or blue background for the remaining packages or advertisements for each brand;
 - (d) in upper-case lettering for the warning contemplated in regulation 2(1)(a);
 - (e) in upper-case lettering for the information contemplated in regulation 2(1)(c);
 - (f) in upper-case lettering for the first letter of a sentence and in lower-case lettering for the remainder of the sentence of the warning contemplate[sic] in regulation 2(1)(b);
 - (g) centred within the area in which it is displayed, and the text of the message shall occupy not less than 60% and not more than 70% of the area in which it is displayed; and
 - (h) surrounded by a border that—
 - (i) is the same colour as the print used for the text of the message; and
 - (ii) outlines the area in which the message is displayed without encroaching on that area;
 - (i) alternated in such a way so as to expose each warning on an equal quantity of advertisements for each brand or unit of packages, with a tolerance of 10% during each period of 12 months from the commencement of these regulations.
- (2) The area to be occupied by the warning and information shall not contain any matter other than that required by these regulations.

4. Warnings and information not to be removable, etc.

- (1) The warning and information reflected on a package or contained in an advertisement in terms of regulation 2 shall be of such a nature that it cannot be removed from the package or advertisement.
- (2) The warning and information reflected on a package in terms of regulation 2 shall be of such a nature that it cannot be destroyed or become unreadable when the package is opened in any normal way.

5. Commencement

These regulations will come into operation on 31 May 1995.

ANNEXURE 1

POSITION, AREA AND DURATION OF WARNINGS AND INFORMATION

Column A		Column B	Column C	Column D
Type of package or advertisement		Position of warning referred to in Part A of Annexure 2 and area to be occupied by it	Position of warning referred to in Part B of Annexure 2 and area to be occupied by it	Position of information referred to in Annexure 3 and area to be occupied by it
1.	Package containing cigarettes, cigars or loose tobacco	Position: On the front at the top across the full width of the package Area: 15% of the front of the package	Position: On the back at the top across the full width of the package Area: 25% of the back of the package	<i>Only on manufactured cigarettes.</i> Position: On one of the long sides of the package. Area: 20% of one of the long sides of the package, excluding the part that forms part of the lid (if any).
2.	Package containing a single cigar	Position: On the package Area: 15% of the surface area of the package	Nil	Nil.
3.	Container or package for snuff or chewing tobacco	Position: Special warning embossed or printed at the top across the full width of the container or package Area: 15% of the lid or the surface area of the container or package	Nil	Nil.
4.	Written, pictorial or visual advertisement	Position: At the top across the full width of the advertisement Area: 10% of the advertisement	Nil	Position: At the top across the width of the advertisement (if applicable). Area: 2% of the advertisement.
5.	Film, video or cinema advertisement	Position: At the top across the full width of the screen	Position: At the bottom across the full width of the screen	Position: At the top, under the warning, across

Column A		Column B	Column C	Column D
Type of package or advertisement		Position of warning referred to in Part A of Annexure 2 and area to be occupied by it	Position of warning referred to in Part B of Annexure 2 and area to be occupied by it	Position of information referred to in Annexure 3 and area to be occupied by it
		Area: 10% of the screen Duration: At the beginning of the advertisement for at least 10 seconds; again as soon as a tobacco[sic] product is shown for at least 10 seconds and at the end for at least 15 seconds	Area: 80% of the screen Duration: At the end of the advertisement simultaneously with Part A of the warning for at least 15 seconds	the full width of the screen. Area: 2% of the screen. Duration: At the end simultaneously with Part A of the warning for at least 15 seconds.
6.	Radio and spoken advertisements	Position: At the end of the advertisement after the information Duration: Of sufficient duration for the warning to be clearly understood; in the same voice and speed as the rest of the advertisement	Nil	Position: At the end of the advertisement before the warning. Duration: As set out in column B.

ANNEXURE 2

WARNINGS

Part A	Part B
DANGER: SMOKING CAN KILL YOU	Tobacco smoke contains many harmful chemicals such as carbon monoxide, cyanide, nicotine and tar, which can cause disease and death. Non-smokers and ex-smokers, on average, live longer and are healthier than smokers. For more information call (011) 720-3145
DANGER: SMOKING CAUSES CANCER	Nine out of ten patients with lung cancer are smokers. Smoking also causes cancer of the lip,

Part A	Part B
	mouth, voice box, food pipe and bladder. Quitting smoking reduces your risk of cancer. For more information call (011) 720-3145
DANGER: SMOKING CAUSES HEART DISEASE	Smoking is a major cause of heart attacks, strokes and blood vessel diseases. Quitting smoking reduces your risk of heart diseases. For more information call (011) 720-3145
SMOKING DAMAGES YOUR LUNGS	A morning cough and shortness of breath are signs of lung disease. It is never too late to quit. Stop smoking now and you can prevent further harm. For more information call (011) 720-3145
PREGNANT? BREASTFEEDING? YOUR SMOKING CAN HARM YOUR BABY	The babies of mothers who smoke during pregnancy are more likely to die before birth or to be born underweight. Stopping smoking before or during the first months of pregnancy reduces the risk to the baby. For more information call (011) 720-3145
WARNING DON'T SMOKE NEAR CHILDREN	Children who live with smokers suffer more from colds, coughs, ear infections, asthma and chest disease. Protect your children from the harmful chemicals in tobacco smoke. For more information call (011) 720-3145
TOBACCO IS ADDICTIVE	Nicotine is[sic] tobacco is a drug which acts on the brain and nerves. Most smokers are dependent on nicotine that is why they feel uncomfortable and get cravings when they go without smoking for a while. For more information call (011) 720-3145
YOUR SMOKE CAN HARM THOSE AROUND YOU	Every time you smoke, those around you smoke too. Your smoking increases their risk of lung cancer and heart disease. Stop smoking for the sake of your health and that of your family and friends. For more information call (011) 720-3145
CAUSES CANCER (Special warning only on snuff and chewing tobacco)	

(Annexure 2 amended by regulation 2 of Government Notice R1148 in Government Gazette 16588 dated 4 August 1995)

ANNEXURE 3 INFORMATION

1. For packages containing manufactured cigarettes the following shall be the information:

“ mgs tar
..... mgs nicotine
As per Government agreement method”.
2. The amount of tar and nicotine in the smoke of a cigarette shall, for the purposes of this Annexure, be determined in accordance with the International Standards Organisation's methods ISO 4387:1991, 3308:1991, 7210:1983, 3402:1991, 8243:1991, 10315:1991, 3400:1989, 10362-1:1991, 10362-2:1994, 2971:1987, 6488:1981, 6565:1983.
3. The tests shall be carried out by the South African Bureau of Standards or at a laboratory nominated by the Director-General, but in all respects at the expense of the manufacturer or importer.