
STATUTORY INSTRUMENTS

1993 No. 1947

CONSUMER PROTECTION

**The Tobacco Products Labelling
(Safety) Amendment Regulations 1993**

<i>Made</i>	- - - -	<i>29th July 1993</i>
<i>Laid before Parliament</i>		<i>30th July 1993</i>
<i>Coming into force</i>	- -	<i>1st January 1994</i>

In exercise of the powers conferred by section 11 of the Consumer Protection Act 1987⁽¹⁾, after consultation, in accordance with section 11(5) of that Act, with organisations appearing to be representative of interests substantially affected by these Regulations and other persons considered appropriate, and of all other powers enabling me in that behalf, I hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tobacco Products Labelling (Safety) Amendment Regulations 1993 and shall come into force on 1st January 1994.

(2) In these Regulations, the “principal Regulations” means the Tobacco Products Labelling (Safety) Regulations 1991⁽²⁾.

Amendment of regulation 4 of the principal Regulations

2. In regulation 4 of the principal Regulations (additional warnings for cigarettes) in paragraphs (1) and (2) before the words “Schedule 1” there are inserted the words “Part I of”.

Insertion of new regulations 4A, 4B and 4C in the principal Regulations

3. After regulation 4 of the principal Regulations (additional warnings for cigarettes) there are inserted the following regulations:—

(1) 1987 c. 43.
(2) S.I.1991/1530.

“Additional warnings for rolling tobacco

4A.—(1) A producer of rolling tobacco shall ensure that each packet of rolling tobacco which he produces carries on the side opposite to its most visible surface a warning taken from the list in Part I of Schedule 1.

(2) Subject to paragraph (3), a producer of a brand of rolling tobacco shall ensure that each of the warnings listed in Part I of Schedule 1 appears on an equal number of packets of that brand of rolling tobacco which he produces over any period of 12 months.

(3) A producer of rolling tobacco is to be regarded as complying with the requirements of paragraph (2) in relation to a brand of rolling tobacco if the number of packets of that brand on which each warning appears is no fewer than 95 per cent. of, and no greater than 105 per cent. of, one sixth of the total number of packets of rolling tobacco of that brand produced by him over the period of 12 months.

Additional warnings for cigars, cigarillos, pipe tobacco etc

4B.—(1) A producer of cigars, cigarillos, pipe tobacco or any other tobacco product except cigarettes, rolling tobacco and smokeless tobacco products shall ensure that each packet of such product which he produces carries a warning taken from the list in Part II of Schedule 1.

(2) A producer of a brand of tobacco product to which paragraph (1) applies shall ensure that, within any period of 12 months, each of the warnings listed in Part II of Schedule 1 appears in rotation on packets of that brand of tobacco product which he produces.

Additional warning for smokeless tobacco products

4C. A producer of smokeless tobacco products shall ensure that each packet of smokeless tobacco product which he produces carries the warning: “Causes cancer”.”.

Amendment of regulation 5 of the principal Regulations

4. In regulation 5 of the principal Regulations (visibility and position of warnings) for paragraph (1) there is substituted the following paragraph:—

“(1) In the case of tobacco products other than cigarettes the general warning and a warning required by regulation 4A(1), 4B(1) or 4C—

- (a) shall be printed on, or irremovably affixed to, each packet;
- (b) shall each cover an area amounting to at least 1.5 per cent. of the total surface of the packet, such area to be defined by a right-angled polygon drawn closely round the periphery of the printed letters in the same way as is shown in respect of packets of cigarettes in Figures 1 and 2 in Schedule 2;
- (c) shall be easily visible, clearly legible and indelible;
- (d) shall appear in a conspicuous place on a contrasting background; and
- (e) shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.”.

Amendment of regulation 8 of the principal Regulations

5. In regulation 8 of the principal Regulations (products imported from other member States)—

- (a) for the word “cigarettes” there are substituted the words “tobacco products”;
- (b) in sub-paragraph (a)—

- (i) after the words “regulation 4(1)” there are inserted the words “, 4A(1) or 4B(1)”;
- (ii) after the words “article 4.2” there are inserted the words “or 4.2a(a) or (b), as the case may be,”;
- (iii) after the words “concerning the labelling of tobacco products” there are inserted the words “as amended by Council Directive 92/41/EEC(3)”;
- (c) in sub-paragraph (b) after the words “regulation 4(2)” there are inserted the words “or 4A(2)”;
- (d) after sub-paragraph (b) there is inserted the following new sub-paragraph (bb)—
 - “(bb) as complying with the requirements of regulation 4B(2) if, within any period of 12 months, each of the warnings in that list appears in rotation on packets of that brand imported by him from that member State;”;
- (e) in sub-paragraph (c)—
 - (i) after the words “requirements of” there are inserted the words “regulation 5(1)(b) or, as the case may be,”; and
 - (ii) after the words “Article 4.4” there are inserted the words “or, as the case may be, Article 4.5”.

Amendment of regulation 13 of the principal Regulations

6. At the end of regulation 13 (transitional provisions) there is added a new paragraph (3) as follows—

- “(3) Regulation 11(1) shall not apply to the supply, offer or agreement to supply, or exposure or possession for supply of a tobacco product, other than a cigarette, which does not comply with regulation 4A(1), 4B(1) or 4C if that product—
 - (a) is produced before 1st January 1994; and
 - (b) the supply takes or is to take place before 1st January 1995.”.

Substitution of new Schedule 1 in the principal Regulations

7. For Schedule 1 to the principal Regulations (health warnings) there is substituted the Schedule set out in the Schedule to these Regulations.

29th July 1993

Virginia Bottomley
One of Her Majesty’s Principal Secretaries of
State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 7

SCHEDULE 1 TO THE PRINCIPAL REGULATIONS
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 1

PART I

**HEALTH WARNINGS TO BE CARRIED IN ROTATION ON THE BACK OF
A CIGARETTE PACKET AND ON A PACKET OF ROLLING TOBACCO**

1. Smoking causes cancer.
2. Smoking causes heart disease.
3. Smoking causes fatal diseases.
4. Smoking kills.
5. Smoking when pregnant harms your baby.
6. Protect children: don't make them breathe your smoke.

PART II

**HEALTH WARNINGS TO BE CARRIED IN ROTATION ON
PACKETS OF CIGARS, CIGARILLOS, PIPE TOBACCO ETC**

1. Smoking causes cancer.
2. Smoking causes fatal diseases.
3. Smoking damages the health of those around you.
4. Smoking causes heart disease.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tobacco Products Labelling (Safety) Regulations 1991 (“the principal Regulations”) in partial implementation of Council Directive No. [92/41/EEC](#) (OJ No. L 158, 11.6.92, p.30). Regulation 3 introduces into the principal Regulations three new regulations 4A, 4B and 4C.

In relation to rolling tobacco, producers are required to ensure that each packet carries one of six health warnings additional to the general warning (new regulation 4A). The additional health warnings are specified in Part I of Schedule 1 (as substituted by regulation 7 of these Regulations); they are the same six as apply in relation to packets of cigarettes. Regulation 4A requires that these

warnings should appear on an equal number of packets over the course of a year, with a 5 per cent allowance made for variation above or below that number.

In relation to cigars, cigarillos, pipe tobacco and any other tobacco product except cigarettes, rolling tobacco and smokeless tobacco products, producers are required to ensure that each packet carries one of four health warnings additional to the general warning (new regulation 4B). These health warnings are specified in Part II of Schedule 1 (as substituted by regulation 7 of these Regulations). Regulation 4B requires that in any period of 12 months these warnings should appear in rotation on the packets produced.

In relation to smokeless tobacco products producers are required to ensure that each packet carries the additional warning “Causes cancer” (regulation 4C).

Regulation 4 substitutes for regulation 5(1) of the principal Regulations a new paragraph, which retains the existing requirements as to the visibility and position of the general warning on tobacco products other than cigarettes and also—

- (a) applies those requirements to the warnings required by new regulations 4A, 4B and 4C; and
- (b) specifies the size of the area to be covered by the general warning and the additional warnings required by regulations 4A, 4B and 4C.

Regulation 5 makes consequential amendments to regulation 8 of the principal Regulations (products imported from other member States).

Regulation 6 amends regulation 13 of the principal Regulations (transitional provisions) to make provision in relation to the requirements introduced by these Regulations.

Regulation 7 substitutes a new Schedule to the principal Regulations, Part I of which retains the existing additional warnings for cigarettes (which are now to be used also for rolling tobacco) and Part II of which contains the additional health warnings to be used for cigars, cigarillos, pipe tobacco etc.