
STATUTORY INSTRUMENTS

2016 No. 507

The Tobacco and Related Products Regulations 2016

PART 5

Herbal products for smoking

Labelling and presentation of herbal products for smoking

28.—(1) No person may produce or supply a herbal product for smoking unless it complies with paragraphs (2) to (5).

(2) A unit pack and any container pack of a herbal product for smoking must carry a health warning consisting of the text: “Smoking this product damages your health”.

(3) The health warning must—

- (a) appear on both the front and back surfaces of the unit pack and any container pack;
- (b) cover 30% of the area of each of those surfaces, calculated in relation to the area of the surface concerned when the pack is closed;
- (c) be in black Helvetica bold type on a white background;
- (d) be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it; and
- (e) appear at the centre of that area.

(4) A unit pack and any container pack of a herbal product for smoking must not—

- (a) state that the product is free of additives or flavourings; or
- (b) include any element or feature that falls within paragraph (5).

(5) An element or feature falls within this paragraph if it—

- (a) promotes a herbal product for smoking or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions;
- (b) includes any information about the nicotine, tar or carbon monoxide content of a herbal product for smoking;
- (c) resembles a food or a cosmetic product; or
- (d) suggests that a particular herbal product for smoking—
 - (i) is less harmful than other herbal products for smoking,
 - (ii) aims to reduce the effect of some harmful components of smoke,
 - (iii) has vitalising, energising, healing, rejuvenating, natural or organic properties, or
 - (iv) has other health or lifestyle benefits.

(6) The elements and features referred to in paragraphs (4)(b) and (5) include (but are not limited to) texts, symbols, names, trade marks, figurative signs or other types of sign.

Ingredients information for herbal products for smoking

29.—(1) A producer of a herbal product for smoking must submit to the Secretary of State a list of all the ingredients of the product, by brand and variant name, and the quantity of each ingredient.

(2) The information required by paragraph (1) must be submitted—

- (a) on or before 19th November 2016 in the case of a herbal product which a producer first supplied before 20th May 2016 and continues to supply on or after that date; or
- (b) in any other case, at least one day before the day a producer first supplies a herbal product for smoking.

(3) Where the composition of a herbal product for smoking is modified in a way that would affect the information required by paragraph (1) (“a modified herbal product”), a producer must comply with that paragraph in respect of the modified herbal product at least one day before the producer first supplies the modified herbal product.

Herbal products for smoking - supplementary

30.—(1) Regulations 25 (submission of information) and 26 (use of information) apply in relation to information provided in accordance with regulation 29 as they apply in relation to information provided in accordance with regulation 18 (information about tobacco products).

(2) A producer who fails to submit information in accordance with regulation 29 in respect of a herbal product for smoking may not supply the product concerned until the producer submits the required information in accordance with regulation 25.