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STATUTORY INSTRUMENTS

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**2016 No. 507**

**The Tobacco and Related Products Regulations 2016**

**PART 2**

Labelling of tobacco products

**Combined health warnings on tobacco products for smoking**

5.—(1) No person may produce or supply a tobacco product for smoking unless it complies with this regulation.

(2) A unit pack and any container pack of a tobacco product for smoking must carry a combined health warning.

[<sup>F1</sup>(3) A combined health warning must consist of the relevant smoking cessation information and—

- (a) for a unit pack or container pack of a tobacco product for smoking which is a GB tobacco product, one of the text warnings with the corresponding colour photograph, as listed in the picture library in Schedule A1, or
- (b) for a unit pack or container pack of a tobacco product for smoking which is an NI tobacco product, one of the text warnings listed in Annex 1 to the Tobacco Products Directive together with a corresponding colour photograph, as specified in the picture library in Annex 2 to that Directive.

(3A) For the purposes of paragraph (3), the relevant smoking cessation information is “Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)”.]

(4) A combined health warning must appear on both the front and back surfaces of the unit pack and any container pack, and the same text warning and corresponding colour photograph must appear on both surfaces.

(5) A combined health warning must—

- (a) cover 65% of the area of each surface on which it appears;
- (b) appear at the top edge of the surface concerned;
- (c) be positioned in the same direction as any other information on that surface; and
- (d) comply with the conditions set out in regulation 11.

(6) A combined health warning must be reproduced in accordance with the layout, design and proportions specified in Commission Implementing Decision (EU) 2015/1842 of 9th October 2015 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking<sup>M1</sup> (“the Combined Health Warnings Decision”).

(7) For the purposes of this regulation, any reference in the Combined Health Warnings Decision—

- (a) to a manufacturer or an importer is to be construed as a reference to a producer; and
- (b) to outside packaging is to be construed as a reference to a container pack.

(8) In the case of a unit pack of cigarettes, a combined health warning must be not less than—

- (a) 44mm high; and
- (b) 52mm wide.

(9) In the case of a cylindrical pack, references in this regulation to the front and back surfaces are to the two opposite halves of the curved surface of the pack that is visible before the pack is opened, if the curved surface is divided equally along a vertical plane.

(10) This regulation does not apply to a unit pack or container pack to which regulation 9 (large cigars and individually wrapped cigars and cigarillos) applies.

**F1** Reg. 5(3)(3A) substituted for reg. 5(3) by S.I. 2019/41, **reg. 6(4)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(6)** (with reg. 5))

#### Marginal Citations

**M1** OJ L 267, 14.10.2015, p.5.

### [<sup>F2</sup>Revision of text warnings, photographs and technical specifications : GB tobacco products

**5A.** Regulations may—

- (a) amend the text warnings or photographs listed in the picture library in Schedule A1, taking into account scientific and market developments;
- (b) modify for the purposes of these Regulations as they apply in relation to GB tobacco products the layout, design and proportions specified in the Combined Health Warnings Decision referred to in regulation 5, taking into account different packet shapes.]

**F2** Reg. 5A inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(5)** (with reg. 9) (as amended by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(3)(7)** (with reg. 5)); 2020 c. 1, **Sch. 5 para. 1(1)**

### Range and rotation of combined health warnings

**6.**—[<sup>F3</sup>(A1) A producer of a tobacco product for smoking which is a GB tobacco product (other than an importer) must select the photograph used for the purposes of regulation 5(3)(a) so that each of the 13 photographs appears on between 1/24 to 1/12 of the total number of packs under each brand name produced by that producer within that production year.]

(1) A producer of a tobacco product for smoking [<sup>F4</sup>which is an NI tobacco product] (other than an importer) must select the photograph used for the purposes of regulation [<sup>F5</sup>5(3)(b)] —

- (a) from the set of photographs which is specified for the production year during which the pack is produced; and
- (b) so that each of the 14 photographs in a specified set appears on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

[<sup>F6</sup>(2) An importer of a tobacco product for smoking must use the importer's best endeavours to ensure—

- (a) where the product is a GB tobacco product, that the obligation in paragraph (A1) is complied with;

(b) where the product is an NI tobacco product, that the obligations in paragraph (1) are complied with.]

(3) For the purposes of [F7 paragraph (1)] —

(a) the set of photographs contained in Set 1 of Annex II to the Tobacco Products Directive is specified for the production year 2016-2017 and every third production year thereafter;

(b) the set of photographs contained in Set 2 of Annex II to that Directive is specified for the production year 2017-2018 and every third production year thereafter;

(c) the set of photographs contained in Set 3 of Annex II to that Directive is specified for the production year 2018-2019 and every third production year thereafter; and

F8(d) .....

[F9(4) In this regulation “production year” means a period of 12 months beginning with 20th May and ending with 19th May.]

- F3 Reg. 6(A1) inserted (31.12.2020) by S.I. 2019/41, **reg. 6(6)(a)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F4 Words in [reg. 6\(1\)](#) inserted (31.12.2020) by S.I. 2019/41, [reg. 6\(6\)\(b\)\(i\)](#) (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F5 Word in [reg. 6\(1\)](#) substituted (31.12.2020) by S.I. 2019/41, [reg. 6\(6\)\(b\)\(ii\)](#) (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F6 [Reg. 6\(2\)](#) substituted (31.12.2020) by S.I. 2019/41, [reg. 6\(6\)\(c\)](#) (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F7 Words in [reg. 6\(3\)](#) substituted (31.12.2020) by S.I. 2019/41, [reg. 6\(6\)\(d\)\(i\)](#) (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F8 [Reg. 6\(3\)\(d\)](#) omitted (31.12.2020) by virtue of S.I. 2019/41, [reg. 6\(6\)\(d\)\(ii\)](#) (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))
- F9 [Reg. 6\(4\)](#) inserted (31.12.20) by S.I. 2019/41, **reg. 6(6)(e)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(8)** (with reg. 5))

### General warnings and information messages on tobacco products for smoking

7.—(1) No person may produce or supply a tobacco product for smoking unless it complies with this regulation.

(2) A unit pack and any container pack of a tobacco product for smoking must carry the following health warnings—

(a) a general warning consisting of the text: “Smoking kills – quit now”; and

(b) an information message consisting of the text: “Tobacco smoke contains over 70 substances known to cause cancer”.

(3) Each of the health warnings referred to in paragraph (2) must—

(a) cover 50% of the area of each surface on which it appears;

(b) be in black Helvetica bold type on a white background;

- (c) be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it;
- (d) appear at the centre of that area;
- (e) in the case of a cuboid shaped unit pack and any container pack, be oriented parallel to the longest edge of the surface on which it appears;
- (f) comply with the conditions set out in regulation 11; and
- (g) in the case of a unit pack of cigarettes or hand rolling tobacco, appear in the manner specified in regulation 8.

(4) This regulation does not apply to a unit pack or container pack to which regulation 9 (large cigars and individually wrapped cigars and cigarillos) applies.

[<sup>F10</sup>(5) Regulations may amend the wording of the information message in paragraph (2)(b) to be carried by a unit pack or a container pack of a tobacco product for smoking which is a GB tobacco product, taking into account scientific and market developments.]

**F10** Reg. 7(5) inserted (31.12.2020) by S.I. 2019/41, **reg. 7(7)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(9)** (with reg. 5))

### **Position of general warning and information message on cigarettes and hand rolling tobacco**

**8.**—(1) This paragraph applies to—

- (a) a unit pack of cigarettes, other than a shoulder box <sup>M2</sup>; and
- (b) a unit pack of hand rolling tobacco which is cuboid in shape, but not a shoulder box.

(2) Where paragraph (1) applies to a unit pack—

- (a) the general warning must appear on one of the secondary surfaces of the pack;
- (b) the information message must appear on the other secondary surface; and
- (c) each of those health warnings must be—

- (i) positioned at the bottom edge of the surface on which it appears, and
- (ii) at least 20mm wide.

(3) In the case of a unit pack of cigarettes or hand rolling tobacco in the form of a shoulder box—

- (a) the general warning must appear in its entirety on the larger of the two split parts of one of the secondary surfaces of the shoulder box;
- (b) the information message must appear in its entirety on the larger of the two split parts of the other secondary surface of the shoulder box; and
- (c) the general warning must also appear on the inside of the lid, such that it is visible when the pack is open.

(4) In the case of a unit pack of hand rolling tobacco which is cylindrical, with a lid—

- (a) the general warning must appear on the outside surface of the lid; and
- (b) the information message must appear on the inside surface of the lid.

(5) A unit pack of hand rolling tobacco in the form of a rectangular pouch must carry a general warning and an information message in accordance with Article 2.1 of Commission Implementing Decision (EU) 2015/1735 of 24th September 2015 on the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches <sup>M3</sup> (“the Pouches Decision”).

(6) Paragraph (5) does not apply to a unit pack of hand rolling tobacco which is in the form of a wraparound rectangular pouch made from polythene, polypropylene or laminate material where the product—

- (a) is manufactured or released for free circulation in the European Union before 20th May 2018;
- (b) is supplied before 20th May 2019; and
- (c) carries a general warning and an information message in accordance with Article 2.2 of the Pouches decision.

(7) A unit pack of hand rolling tobacco in the form of a standing pouch, must carry a general warning and an information message in accordance with Article 3 of the Pouches Decision.

(8) For the purposes of this regulation, any reference in the Pouches Decision to roll-your-own tobacco is to be construed as a reference to hand rolling tobacco.

(9) In this regulation, a “shoulder box” means a unit pack which is cuboid in shape with a hinged lid that results in the secondary surfaces being split into two when the pack is opened.

[<sup>F11</sup>(10) Regulations may amend paragraphs (5) to (8) as regards the precise position of the general warning and the information message on hand rolling tobacco marketed in pouches which is a GB tobacco product, taking into account the different shapes of pouches.]

**F11** Reg. 8(10) inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(8)** (with reg. 9) (as amended by The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1316), regs. 1(3), **3(3)(10)**, 5); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M2** Regulation 4(3) of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I.2015/829), which implements Article 14.1 of the Tobacco Products Directive provides that a unit pack of cigarettes must be cuboid in shape.
- M3** OJ L 252, 29.9.2015, p.49.

### Labelling of large cigars and individually wrapped cigars and cigarillos

9.—(1) This regulation applies to a unit pack or container pack which contains—

- (a) a single cigar or cigarillo; or
- (b) two or more cigars each with a unit weight of more than 3 grams.

(2) No person may produce or supply a pack to which this regulation applies unless the pack carries—

- (a) the general health warning: “Smoking kills – quit now” together with the smoking cessation information: “Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)”; and
- (b) one of the text warnings listed in Annex 1 to the Tobacco Products Directive (“the Annex”).

(3) A producer (other than an importer) must select the text warning referred to in paragraph (2) (b) so that each of the text warnings listed in the Annex appears on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

(4) An importer must use the importer's best endeavours to ensure that the obligation in paragraph (3) is complied with.

(5) The general health warning referred to in paragraph (2)(a) must—

- (a) appear on the most visible surface of the pack; and
- (b) cover 30% of the area of the surface on which it appears.

- (6) The text warning referred to in paragraph (2)(b) must—
- (a) appear on the next most visible surface of the pack or, if the pack has a hinged lid, the surface that appears when the pack is opened; and
  - (b) cover 40% of the area of the surface on which it appears.
- (7) Paragraphs (5)(b) and (6)(b) are subject to paragraph (8).
- (8) Where one of the health warnings referred to in paragraph (2) is to appear on a surface with an area which is greater than 150 square centimetres, the health warning must cover at least 45 square centimetres of that surface.
- (9) Each of the health warnings referred to in paragraph (2) must—
- (a) be in black Helvetica bold type on a white background;
  - (b) be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it;
  - (c) appear at the centre of that area; and
  - (d) comply with the conditions in regulation 11.
- (10) The warning must be parallel to the main text on the surface concerned.
- (11) For the purposes of this regulation “production year” has the same meaning as in regulation 6(3)(d).

[<sup>F12</sup>(12) Regulations may amend this regulation as it applies in relation to the production or supply of GB tobacco products, by omitting from paragraph (1) reference to one or more of the products listed in that paragraph if there is a substantial change of circumstances for the product concerned.]

**F12** Reg. 9(12) inserted (31.12.2020) by S.I. 2019/41, **reg. 6(9)** (as substituted by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(11)** (with reg. 5))

### Health warning on smokeless tobacco products

**10.**—(1) No person may produce or supply a smokeless tobacco product unless it complies with this regulation.

(2) A unit pack and any container pack of a smokeless tobacco product must carry a health warning consisting of the text: “This tobacco product damages your health and is addictive”.

- (3) The health warning referred to in paragraph (2) must—
- (a) appear on both the front and the back surfaces of the pack;
  - (b) cover 30% of the area of each of those surfaces;
  - (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;
  - (e) appear at the centre of that area; and
  - (f) comply with the conditions in regulation 11.
- (4) The health warning must be parallel to the main text on the surface concerned.

[<sup>F13</sup>(5) Regulations may amend the wording of the health warning in paragraph (2) to be carried by a unit pack or container pack of a smokeless tobacco product which is a GB tobacco product, taking into account scientific developments.]

**F13** Reg. 10(5) inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(10)** (with reg. 9) (as amended by The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1316), regs. 1(3), **3(3)(12)**, 5); 2020 c. 1, **Sch. 5 para. 1(1)**

### **General conditions applicable to all health warnings on tobacco products**

**11.**—(1) The general conditions referred to in regulations 5(5)(d), 7(3)(f), 9(9)(d) and 10(3)(f) are as follows.

(2) A health warning must cover the entire area that is reserved for it, and must not be commented on or paraphrased.

(3) The dimensions of a health warning must be calculated in relation to the area of the surface concerned when the pack is closed.

(4) A health warning must be—

- (a) in English;
- (b) fully visible;
- (c) indelible;
- (d) irremovably printed;
- (e) printed on the pack, subject to paragraph (7); and
- (f) surrounded by a black border of a width of 1mm inside the area which is reserved for it.

(5) A health warning must remain intact when the pack is opened, subject to paragraph (8).

(6) A health warning must not—

- (a) be partially or totally hidden or interrupted by wrappers, jackets or boxes (except in the case of a unit pack presented inside a container pack);
- (b) be partially or totally hidden or interrupted by any other item (such as a tax stamp, price mark or security feature); or
- (c) partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other marking which is required under or by virtue of any enactment.

(7) In the case of a unit pack of a tobacco product other than cigarettes and hand rolling tobacco in a pouch, the warning may be printed on a sticker affixed to the pack, provided that the sticker is irremovable.

(8) In the case of a unit pack with a flip-top lid, a combined health warning may be split when the pack is opened, but only in a manner which ensures the graphical integrity and visibility of the text, photograph and smoking cessation information in accordance with Article 4 of the Combined Health Warnings Decision <sup>M4</sup>.

#### **Marginal Citations**

**M4** See regulation 5(5).

### **Images of tobacco products targeted at consumers**

**12.**—(1) No person may publish or cause to be published in the course of a business an image of a unit pack or container pack of a tobacco product in connection with an offer for sale to a consumer (in circumstances which are not otherwise made unlawful by the provisions of the Tobacco Advertising and Promotion Act 2002 <sup>M5</sup>) unless the image complies with paragraph (2).

(2) An image of a unit pack or container pack of a tobacco product complies with this paragraph if the pack depicted in the image complies with the labelling and packaging requirements for the lawful supply of the product concerned which are imposed by—

- (a) this Part; and
- (b) regulations 4, 8 and 10 of the Standardised Packaging of Tobacco Products Regulations 2015<sup>M6</sup>.

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**Marginal Citations**

**M5** [2002 c. 36](#). The Tobacco Advertising and Promotion Act 2002 makes provision about the advertising of tobacco products.

**M6** [S.I. 2015/829](#).



**Changes to legislation:**

There are currently no known outstanding effects for the The Tobacco and Related Products Regulations 2016, PART 2.