

Issued by the Director of Public Health
under the *Public Health Act 1997*

Effective 18 January 2016

Guidelines for the Sale of Tobacco Products in Tasmania

Containing legal requirements for
tobacco retailers, manufacturers and distributors

Issuing Statement and Commencement Date

I, Dr Mark Veitch, being and as the Acting Director of Public Health, acting pursuant to a direction under section 21A of the *Acts Interpretation Act 1931* and the *Public Health Act 1997* (the Act), hereby:

1. revoke, effective 18 January 2016, guidelines issued under the Act relating to the sale of tobacco; and
2. issue these guidelines, being the *Guidelines for the Sale of Tobacco Products in Tasmania*; and
3. determine that these guidelines come into effect on and from 18 January 2016.

Signed,

Dr Mark Veitch
A/Director of Public Health

24 December 2015

Version notes

This version of the Guidelines, effective 18 January 2016, amends the previously issued guidelines by:

- *removing Part G, which is now contained in the Public Health Act 1997;*
- *reformatting the Guidelines; and*
- *updating website references.*

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PART A INTRODUCTION AND DEFINITIONS

1. Introduction

- (1) These Guidelines are issued by the *Director of Public Health* under the *Public Health Act 1997*. It is a legal requirement to comply with the Guidelines. Failure to do so is a breach of the *Act* and can result in significant fines.
- (2) The Guidelines are set out as follows:
 - (a) Part B sets out the product and pricing information that may be displayed on *plain sales units* in *specialist tobacconist premises* and *retail premises*.
 - (b) Part C sets out where the *approved* notices that must be displayed under section 69A of the *Act* can be found.
 - (c) Part D sets out the information that must be provided under section 64(6) of the *Act* to persons employed at premises where any *tobacco product* is sold or supplied.
 - (d) Part E specifies the class of documents that are acceptable forms of *proof of age* for the purposes of that definition under section 3 of the *Act*.
 - (e) Part F sets out the packaging and labelling requirements for *tobacco products* under section 73 of the *Act*.

2. Definitions

- (1) A word or phrase appearing in *italics* in these Guidelines has the meaning given to it in the *Public Health Act 1997* or as defined below:

Act	means the <i>Public Health Act 1997</i>
Retail premises	means <i>premises</i> in or from which <i>tobacco product</i> is sold, other than <i>specialist tobacconist premises</i>

PART B Product and Pricing Information

1. Introduction

- (1) The display of product or pricing information relating to *tobacco products* is not mandatory.
- (2) This Part B sets out the product and pricing information relating to *tobacco products* that may be displayed in premises in or from which *tobacco product* is sold.
- (3) Note, the *Act* provides that product and pricing information can only be displayed on a *plain sales unit*.

2. Information that can be displayed

- (1) In *retail premises*, the only product or pricing information relating to *tobacco products* that may be displayed on a *plain sales unit* that is not a *vending machine* is:
 - (a) up to one square metre area of price tickets complying with clause 5 of this Guideline, displayed only during the fleeting incidental display of *tobacco products* as permitted under the *Act*; and
 - (b) one product availability notice complying with clause 3 of this Guideline; or
 - (c) one price board complying with clause 4 of this Guideline.
- (2) In *retail premises*, the only product or pricing information relating to *tobacco products* that may be displayed on a *plain sales unit* that is a *vending machine* is:
 - (a) up to 40 price tickets complying with clause 5 of this Guideline.

- (3) In *specialist tobacconist premises*, the only product and pricing information relating to *tobacco products* that may be displayed on a *plain sales unit* is:
- (a) up to four square metres of price tickets complying with clause 5 of this Guideline and relating to *ancillary tobacco product* on display; and
 - (b) up to one square metre of price tickets complying with clause 5 of this Guideline, displayed only during the fleeting incidental display of *tobacco products* as permitted under the *Act*; and
 - (c) one price board complying with clause 4 of this Guideline.

3. Product availability notice

- (1) A product availability notice must:
- (a) not contain any writing other than “Tobacco Products Sold Here” (once occurring);
 - (b) use only black text in the typeface known as Arial, in maximum 160 point size (eg 4 cm), in normal weight (eg not bold, italic or underlined), on white background.
 - (c) contain text only on one side;
 - (d) not contain any lines, images or other markings not permitted by this clause 3(1); and
 - (e) not use any colours.

4. Price boards

- (1) A price board must:
- (a) not be greater than 100 x 75 cm in size;
 - (b) not contain any writing other than, in relation to each *tobacco product* held for sale:
 - (i) the brand name (once occurring); and/or
 - (ii) the number of cigarettes or cigars in a *packet*; and/or
 - (iii) the number of *packets* in a *carton*; and/or
 - (iv) the *carton/packet* price; and/or
 - (v) headings referencing the items referred to in (i)-(iv);
 - (c) use only black text in the typeface known as Arial, in maximum 80 point size (eg 2 cm), in normal weight (eg not bold, italic or underlined), on white background;
 - (d) contain text on one side only;
 - (e) not contain any lines, images or other markings not permitted by this clause 4(1); and
 - (f) not use any colours.

5. Price tickets

- (1) Only one price ticket per *product line* of *tobacco product* is permitted.
- (2) Each price ticket must:
 - (a) not contain any writing other than, in relation to the *tobacco product* to which it relates:
 - (i) the *product line*; and/or
 - (ii) the number of *packets* in a *carton*; and/or
 - (iii) the *carton/packet* price; and/or
 - (iv) a barcode or other identifying numeric or alphanumeric code; and/or
 - (v) one symbol identifying the country of origin; and/or
 - (vi) headings referencing the items referred to in (i)-(v);
 - (b) contain text on one side only;
 - (c) when displayed in accordance with clause 2(1) or clause 2(3) of this Guideline, use only text that is in the typeface known as Arial, in maximum 80 point size (eg, 2 centimetres), in normal weight (eg not bold, italic or underlined);
 - (d) when displayed in accordance with clause 2(2) of this Guideline, use only text that is in the typeface known as Arial, in maximum 20 point size (eg 5 millimetres), in normal weight (eg not bold, italic or underlined);
 - (e) use only:
 - (i) black text on white background; or
 - (ii) where price tickets are displayed in accordance with clause 2(1) or clause 2(3) of this Guideline, if all other price ticketing in the premises is in a dual colour scheme, a single colour on another single-coloured background consistent with that dual colour scheme;

- (f) not use any colours unless permitted in paragraph 5(2)(e)(ii);
- (g) not contain any lines, images or other markings not permitted by this clause 5;
- (h) in relation to a *plain sales unit* other than a *vending machine*, not be positioned:
 - (i) so that it is visible to the public, except during the incidental display (as permitted under the *Act*) of the *tobacco product* to which it relates; and
 - (ii) anywhere other than immediately adjacent to the *tobacco product* to which it relates; and
- (i) in relation to a *plain sales unit* that is a *vending machine*, not be positioned anywhere other than on the front surface of the *vending machine*.

PART C Notices that must be displayed

- (1) Section 69A of the *Act* provides that a person who *sells any tobacco product* must display a notice in the *approved* form in a conspicuous position in the place where it is sold.
- (2) The *approved* form and placement of notices can be viewed on the website of the Department of Health and Human Services at www.dhhs.tas.gov.au/publichealth/tobacco_control
- (3) Copies of the notices can be obtained from the Department's Tobacco Control Team – telephone 1800 671 738.

PART D Information to employees

- (1) For the purpose of subsection 64(6) of the Act, a person in charge of any premises which sells or supplies any tobacco product must provide to persons employed at the premises the following information about the sale and supply of tobacco products to children:
 - (a) It is against the law to sell, lend, give or supply any tobacco products to, or for the use of, a person under 18 years of age.
 - (b) It is also against the law to offer to do those things.
 - (c) A person who does any of these things will be prosecuted and can face thousands of dollars in fines.
 - (d) A person has breached the Act even if the under-age customer claims the tobacco products are for a person over 18 years of age.
 - (e) If the person is unsure whether or not a person is over 18 years of age, they should ask for and sight 'proof of age' identification. The only acceptable proof of age identification is:
 - (i) a driver's licence;
 - (ii) a passport;
 - (iii) a photographic Keypass identification card;
 - (iv) a firearms licence issued under the *Firearms Act 1996*; or
 - (v) a Tasmanian Government Personal Information Card.
- (2) The information in this Part must be provided before a person commences employment in the premises which sells or supplies tobacco products.
- (3) The information in this Part should be provided to staff every 6 months.
- (4) To ensure both parties are satisfied that the information in this Part has been provided and understood, parties may choose to complete the following statement. Note that failing to complete this statement is not an offence under the Act nor is it a defence to breaching the Act.

Acknowledgement of information

I.....
(name of person in charge of premises which sells or supplies tobacco product)

did provide to

.....
(name of person employed at the premises)

on(date)

the information contained in Part D of the *Guidelines for the Sale of Tobacco Products in Tasmania* issued by the Director of Public Health.

I.....
(name of person employed at the premises)

understand the information provided to me by the person in charge of the premises.

.....
Employee signature

.....
Employer signature

Date signed.....

Date signed.....

PART E Proof of Age Identification

- (1) The following classes of documents are specified for the purpose of the definition of *proof of age* under section 3 the Act:
- (a) a photographic Keypass identification card;
 - (b) a firearms licence issued under the *Firearms Act 1996*; or
 - (c) a Tasmanian Government Personal Information Card.

PART F Packaging and Labelling requirements

- (1) Pursuant to section 73 of the Act, the manufacturer or distributor of any tobacco or *tobacco product* must ensure that the tobacco or *tobacco product* is packaged and labelled in accordance with the relevant Commonwealth legislation.



Public Health Services

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