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ROYAL COURT

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DMS.

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2021 No. 54

**The Tobacco Advertising and Related Activities
(Guernsey) Regulations, 2021**

<i>Made</i>	18 th May, 2021
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<i>Laid before the States</i>	, 2021

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**The Tobacco Advertising and Related Activities
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THE COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by section 3(1)(a) of the Tobacco Advertising (Guernsey) Law, 1997^a, section 26 of the Tobacco Products (Guernsey) Ordinance, 2014^b and all other powers enabling it in that behalf, hereby makes the following regulations:-

Prohibition of sale of non-compliant tobacco products.

1. (1) A person must not sell any tobacco product –
 - (a) in any packaging that fails to comply with or contravenes any requirement of Schedule 1 or 2, or
 - (b) in any other manner or form that otherwise fails to comply with or contravenes a provision of Schedule 1 or 2.

^a Ordres en Conseil Vol. XXXVII, p. 313; amended by Ordinance No. XXXIII of 2003; No. LI of 2014; and No. IX of 2016.

^b Ordinance No. LI of 2014; amended by No. IX of 2016.

(2) A person must not sell any tobacco product in any packaging that –

- (a) does not exhibit a health warning or combined health warning required to be exhibited on the packaging under any provision of Schedule 3, or
- (b) otherwise fails to comply with or contravenes any requirement of Schedule 3 relating to a health warning or combined health warning.

(3) For the purposes of paragraphs (1) and (2), a person sells a tobacco product if, in the course of a business, the person –

- (a) supplies the product –
 - (i) for consumption in Guernsey or elsewhere, or
 - (ii) with a view to the product being further supplied for consumption in Guernsey or elsewhere,
- (b) offers or agrees to supply it in those circumstances, or
- (c) exposes or possesses it for supply in those circumstances.

(4) In the case of a cross-border distance sale of a tobacco product, the tobacco product is taken to be sold in Guernsey.

(5) For the avoidance of doubt, a person who carries out an indirect sale within the meaning of section 5(4) of the Tobacco Products (Guernsey) Ordinance, 2014 is to be regarded as selling a tobacco product if the circumstances of the indirect sale fall within paragraph (3).

(6) A person is guilty of an offence who fails to comply with or contravenes paragraph (1) or (2).

Warnings required on packaging under the Tobacco Advertising (Guernsey) Law, 1997.

2. (1) Subject to paragraph (2) –

(a) Schedule 3 prescribes the form, content, size and other characteristics of warnings required to be exhibited on the packaging of tobacco products under section 3 of the Tobacco Advertising (Guernsey) Law, 1997 ("the 1997 Law"), and

(b) nothing in regulation 1 limits the effect of section 3(4)(a) of the 1997 Law.

(2) The provisions in Schedule 3 apply to a person selling, or offering or exposing for sale, a tobacco product in packaging within the meaning of section 3(4)(a) of the 1997 Law only to the extent that the person sells that tobacco product within the meaning of regulation 1(3).

Penalties for offences under regulation 1.

3. A person guilty of an offence under regulation 1 is liable –

(a) to a fine not exceeding level 5 on the uniform scale, and

- (b) to a further fine of such amount not exceeding level 2 on the uniform scale as the Court may impose on convicting the person, in respect of each day on which the offence continues to be committed by that person, whether before or after the date of conviction.

Meaning of "producer".

4. (1) For the purposes of these Regulations, a person is the producer of a tobacco product if, in the course of a business, and with a view to the product being supplied for consumption in Guernsey or elsewhere, the person –

- (a) manufactures the product,
- (b) puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator, or
- (c) imports it into Guernsey.

Interpretation.

5. (1) In these Regulations, unless the context requires otherwise –

"**additive**" means a substance, other than tobacco, that is added to a tobacco product, unit packet or container packet,

"**brand name**" means in relation to a tobacco product, means the primary name by which the product is known,

"**calibration mark**" means a mark that is used only for the purpose of the automated manufacture of any packaging,

"characterising flavour", in relation to a tobacco product, means a clearly noticeable smell or taste, other than one of tobacco, which –

- (a) results from an additive or a combination of additives, including (but not limited to) fruit, spice, herbs, alcohol, candy, menthol or vanilla, and
- (b) is noticeable before or during the consumption of the tobacco product,

"the Combined Health Warnings Decision" means 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^c,

"container packet", in relation to a tobacco product, means any packaging (other than a wrapper) –

- (a) in which that product is, or is intended to be, presented for sale, and
- (b) that encloses (whether wholly or partially) a unit packet of that product or an aggregation of such unit packets,

and where there is more than one separate layer of such packaging, each layer is taken to be a separate container packet,

^c OJ L 267, 14.10.2015, p. 5.

"cross-border distance sale", in relation to a tobacco product, means a sale to a consumer in Guernsey where the consumer orders the product from a seller established in a country or territory other than Guernsey, and for the purposes of this definition a seller is deemed to be established in the country or territory concerned –

- (a) in the case of a seller who is an individual, if the individual's place of business is in that country or territory, and
- (b) in any other case, if the seller has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that country or territory,

"emissions" means substances that are released when a tobacco product is consumed as intended,

"external packaging" means –

- (a) in relation to a unit packet of a tobacco product other than hand rolling tobacco in the form of a pouch, every surface of the packet that is visible before the packet is opened,
- (b) in relation to a unit packet of hand rolling tobacco in the form of a pouch, every surface of the pouch that is visible before the pouch is opened, together with the hidden surface of the pouch in a case where the pouch takes the

form of a rectangular pocket with a flap that covers the opening, and

- (c) in relation to a container packet of a tobacco product, every surface of the packet that is visible before the packet is opened,

"Guernsey" means the islands of Guernsey, Herm and Jethou,

"hand rolling tobacco" means a tobacco product that is not a cigarette and that can be used after sale for making cigarettes,

"hidden surface", in relation to a pouch of hand rolling tobacco in the form of a rectangular pocket with a flap that covers the opening, means the surface of the pouch that becomes visible when the flap is opened, but does not include the underside surface of the flap or any surface of the inside of the pocket,

"internal packaging", in relation to a unit packet or container packet of a tobacco product, means any part of the packet that is not external packaging,

"nicotine" means nicotinic alkaloids,

"packaging", in relation to a tobacco product, includes any material that is –

- (a) an integral part of the packaging of the product,
- (b) required as part of the packaging process, or
- (c) required to protect the product,

"pouch" means a unit packet of hand rolling tobacco in the form of –

- (a) a rectangular pocket with a flap that covers the opening,
or
- (b) a standing pouch,

"producer": see regulation 4,

"tar" means the raw anhydrous nicotine-free condensate of smoke,

"tobacco product" –

- (a) has the meaning given by section 5 of the Tobacco Products (Enabling Provisions) (Guernsey) Law, 2010^d,
but
- (b) does not include anything deemed to be a "tobacco product" by section 2(1) of the Tobacco Products (Guernsey) Ordinance, 2014,

"unit packet", in relation to a tobacco product, means the smallest individual packaging (whether enclosed by a container packet or not) in which that product is, or is intended to be, presented for sale, but does not include any wrapper,

^d Order in Council No. IV of 2012; amended by Ordinance No. IX of 2016.

"variant name", in relation to a particular tobacco product, means any name by which that product is distinguished from other tobacco products under the same brand name,

"waterpipe tobacco" means a tobacco product that can be consumed by means of a waterpipe, and

"wrapper", in relation to a tobacco product, means a cellophane or plastic wrapper –

- (a) in which that product is, or is intended to be, presented for sale, and
- (b) that encloses (whether wholly or partially) –
 - (i) a unit packet of that product,
 - (ii) an aggregation of such unit packets that is not contained in a container packet, or
 - (iii) a container packet of that product.

(2) For the purpose of these Regulations –

- (a) waterpipe tobacco is taken to be a tobacco product for smoking,
- (b) a product that may be consumed via a waterpipe or used as hand rolling tobacco is taken to be hand rolling tobacco, and

- (c) "visible" includes being visible through any wrapper permitted by paragraph 5 of Schedule 2 or any tab that complies with paragraph 4(1) of Schedule 2.

(3) In these Regulations, a reference to the front and back surfaces of a unit packet or container packet of a tobacco product is a reference to –

- (a) in relation to a unit packet of hand rolling tobacco in the form of a pouch, the two largest surfaces of the external packaging of the packet, excluding the hidden surface, and
- (b) in relation to a unit packet or container packet of hand rolling tobacco that is cylindrical in shape, the two opposite halves of the curved surface of the external packaging of the packet if the curved surface is divided equally along a vertical plane.

Revocations.

6. The following regulations are revoked –

- (a) the Tobacco Advertising (Guernsey) Regulations, 2010^e,
and

^e G.S.I. No. 81 of 2010.

- (b) the Tobacco Advertising (Guernsey) (Amendment) Regulations, 2010^f.

Transitional and saving.

7. (1) Neither regulation 1 nor regulation 2 applies to the sale, or offer or exposure for sale, of any tobacco product in a pre-printed packet.

(2) Despite regulation 6, the Advertising Regulations apply to the sale, or offer or exposure for sale, of the tobacco product as if those regulations had not been revoked by regulation 6.

(3) This regulation expires –

(a) in respect of the sale, or offer or exposure for sale, of cigarettes or hand rolling tobacco in a pre-printed packet on the 31st July, 2022, and

(b) in respect of the sale, or offer or exposure for sale, of any other tobacco product in a pre-printed packet on the 31st July, 2023.

(4) In this regulation –

"the Advertising Regulations" means the regulations specified in regulation 6(a) and (b), and

"a pre-printed packet" mean a packet (containing tobacco product) that was printed with any picture, text or other warning,

^f G.S.I. No. 120 of 2010.

before the date on which these Regulations come into force, for the purposes of, or with a view to, complying with the Advertising Regulations.

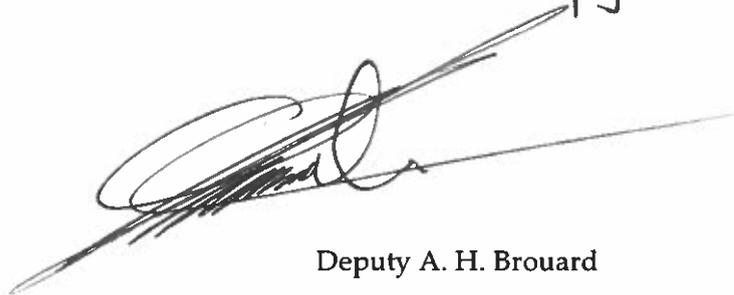
Citation.

8. These Regulations may be cited as the Tobacco Advertising and Related Activities (Guernsey) Regulations, 2021.

Commencement.

9. These Regulations shall come into force on the 31st July, 2021.

Dated this 18th day of May, 2021

A handwritten signature in black ink, appearing to be 'A. H. Brouard', written over a horizontal line. The signature is stylized and somewhat cursive.

Deputy A. H. Brouard
President of the Committee for Health & Social Care
For and on behalf of the Committee

SCHEDULE 1

Regulation 1(1)

REQUIREMENTS FOR PACKAGING OF TOBACCO PRODUCTS

Permitted colour and shade of packaging of cigarettes or hand rolling tobacco.

1. (1) The colour of external packaging of a unit packet or container packet of cigarettes or hand rolling tobacco must be Pantone 448 C with a matt finish.

(2) The colour of internal packaging of a unit packet or container packet of cigarettes or hand rolling tobacco must be –

(a) white, or

(b) Pantone 448 C with a matt finish.

(3) Schedule 4 contains exceptions to subparagraphs (1) and (2).

(4) Nothing in this paragraph prohibits any warning, statement, text, picture, image, symbol or marking that is required by any enactment (including any other provision of these Regulations).

Material, shape, opening and contents of unit packet of cigarettes.

2. (1) A unit packet of cigarettes must –

(a) be made of carton or soft material,

(b) be cuboid in shape, but may have bevelled or round edges, and

(c) contain at least 20 cigarettes.

(2) A unit packet of cigarettes may contain an opening that can be re-closed or re-sealed after it is first opened, but only if that opening is a flip-top lid or a shoulder box hinged lid.

(3) A flip-top lid may only be hinged at the back of the packet.

(4) A shoulder box hinged lid may only be hinged along one of the two smallest sides of the packet.

(5) The sides of a unit packet of cigarettes that is a shoulder box with a hinged lid must have a height (measures between the front and back surfaces of the packet) of at least 16 mm.

Appearance of cigarettes.

3. (1) The paper, casing, filter or other material forming part of a cigarette (other than the tobacco contained in it) must be white with a matt finish.

(2) The paper or casing surrounding the end of a cigarette that is not designed to be lit may be coloured in such a way as to imitate cork.

(3) A cigarette may have text printed on it to identify the brand name and variant name of the cigarette, but only if –

(a) the text appears parallel to, and not more than 38 mm from, the end of the cigarette that is not designed to be lit,

- (b) the text does not contain any character that is not alphabetic, numeric or an ampersand,
- (c) the first letter of any word is in upper-case type or lower-case type and the remaining letters of the word are in lower-case type,
- (d) the text is printed in Helvetica font,
- (e) the colour of the text is black,
- (f) the text is in a normal, weighted, regular typeface, and
- (g) the size of the text is no larger than 8 point.

Form of, and weight of tobacco in, a unit packet of hand rolling tobacco.

4. (1) A unit packet of hand rolling tobacco may only –
- (a) be cuboid in shape, but may have bevelled or rounded edges,
 - (b) be cylindrical in shape, or
 - (c) take the form of a pouch.
- (2) The sides of a unit packet of hand rolling tobacco that is a shoulder box with a hinged lid must have a height (measured between the front and back surfaces of the packet) of at least 16 mm.
- (3) A unit packet of hand rolling tobacco must contain at least 30 grams of tobacco.

Product presentation.

5. (1) A tobacco product and the labelling of the packaging of the tobacco product must not contain any element or feature that –

- (a) promotes a tobacco product 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 tobacco product,
- (c) suggests that a particular tobacco product –
 - (i) is less harmful than others,
 - (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,
- (d) refers to taste, smell or any flavourings or other additives, or the absence of any such thing,
- (e) resembles a food or cosmetic product, or
- (f) suggests that a particular tobacco product has improved biodegradability or other environmental advantages.

(2) The packaging of a tobacco product must not contain any element or feature that suggests economic advantage by including printed vouchers or offering discounts, free distribution, two-for-one or other similar offers.

(3) In this paragraph, "element or feature" includes, but is not limited to, any text, symbol, name, trade mark, figurative sign or any other type of sign.

Packaging of cigarettes or hand rolling tobacco not to produce noise or scent.

6. (1) Neither the packaging nor any part of the packaging of cigarettes or hand rolling tobacco may make a noise or contain or produce a smell that is not ordinarily associated with the packaging of cigarettes or (as the case may be) hand rolling tobacco.

(2) Subparagraph (1) does not prohibit a smell in the packaging of cigarettes or hand rolling tobacco that results from a manufacturing process which is designed to give the cigarettes or hand rolling tobacco a characterising flavour that is not prohibited by any enactment (including any other provision of these Regulations).

Packaging of cigarettes or hand rolling tobacco not to change after sale.

7. (1) No packaging of cigarettes or hand rolling tobacco may include any features that are designed to change the packaging after sale.

(2) In this Regulation, "feature" includes, but is not limited to –

(a) heat activated ink,

(b) ink or embellishment designed to appear gradually over time,

- (c) ink that appears fluorescent in certain light,
- (d) a panel that is designed to be scratched or rubbed to reveal an image or text,
- (e) a removable tab, and
- (f) a fold-out or slide-out panel.

SCHEDULE 2

Regulation 1(1)

FURTHER REQUIREMENTS FOR THE PACKAGING OF TOBACCO PRODUCTS

Surfaces.

1. (1) Any surface of the external or internal packaging of a unit packet or container packet of cigarettes or hand rolling tobacco –

(a) must be smooth and, in the case of a unit packet or container packet that is cuboid in shape, flat, and

(b) must contain no ridges, embossing or other irregularities of shape or texture.

(2) Nothing in subparagraph (1) prohibits the inclusion –

(a) in the case of a unit packet of hand rolling tobacco in the form of a pouch, of any feature that occurs as a necessary part of the process of sealing the pouch during its manufacture, or

(b) in the case of a unit packet or container packet of hand rolling tobacco that is cylindrical in shape, of any feature that is necessary to affix the bottom of the cylinder or to enable the lid of the cylinder to be opened and closed.

(3) Subparagraph (1) is subject to any provision to the contrary made by any enactment (including any other provision of these Regulations).

Inserts etc.

2. (1) No insert or additional material may be attached to or included with the packaging of a unit packet or container packet of cigarettes or hand rolling tobacco.

(2) Despite subparagraph (1) –

(a) a barcode may be attached to packaging in the form of an adhesive label, and

(b) cigarette papers or filters may be included with a unit packet or container packet of hand rolling tobacco, provided they are not visible before the packet is opened.

(3) Subparagraph (1) is subject to any provision to the contrary made by any enactment (whenever passed or made) other than these Regulations.

Lining in unit packet of cigarettes.

3. (1) If a unit packet of cigarettes contains a lining as part of its internal packaging –

(a) the lining must be a silver coloured foil with a white paper backing, and

(b) there must be no variation in the tone or shade of the foil.

(2) Despite paragraph 1(1), the lining may be textured over any entire surface with small dots or squares embossed on the lining if –

- (a) that texture is required for the purpose of –
 - (i) the automated manufacture of the lining, or
 - (ii) the packing of the cigarettes into the packet,
and
- (b) the dots or squares –
 - (i) are equidistant from each other,
 - (ii) are of uniform size, and
 - (iii) do not form a picture, pattern, image or symbol
that is recognisable as anything other than a
lining.

Tab and seal in unit packet of hand rolling tobacco.

4. (1) If a unit packet of hand rolling tobacco has a tab for resealing the packet, the tab must be clear and transparent and not coloured or marked.

(2) If a unit packet of hand rolling tobacco that is cylindrical in shape contains a foil seal as part of its internal packaging, the foil seal must be coloured silver with no variation in tone or shade.

(3) Despite paragraph 1(1), a foil seal may be textured over any entire surface with small dots or squares embossed on the seal if the dots or squares –

- (a) are equidistant from each other,
- (b) are of uniform size, and

- (c) do not form a picture, pattern, image or symbol that is recognisable as anything other than a foil seal.

(4) Nothing in subparagraph (1) prevents a feature that is required to be carried by a unit packet of hand rolling tobacco by a provision of an enactment (including any other provision of these Regulations), from being in the form of a tab.

Wrappers.

5. (1) A container packet, a unit packet or an aggregation of unit packets that is not contained in a container packet may be enclosed by a wrapper, but only if –

- (a) the wrapper is clear and transparent,
- (b) the wrapper is not coloured or marked,
- (c) any surface of the wrapper –
 - (i) is smooth and, in the case of a unit packet or container packet that is cuboid in shape, flat, and
 - (ii) does not contain any ridge, embossing or other irregularity of shape or texture that is not a necessary result of the packaging process, and
- (d) there is nothing attached to the wrapper.

(2) A wrapper that encloses an aggregation of unit packets may have solid black rectangles or squares but only to the extent necessary, and of a

minimum size necessary, to cover any barcode on the unit packets enclosed within the wrapper.

- (3) A wrapper may have a tear tape –
 - (a) that is –
 - (i) clear and transparent (and not coloured or marked), or
 - (ii) black,
 - (b) that forms a continuous straight line which is of a constant width not exceeding 3 mm, and
 - (c) that is parallel to any straight edge of the packet enclosed by the wrapper.

(4) Nothing in subparagraph (3)(a)(i) prevents the tear tape from including a single solid black line that is not more than 15 mm long and indicates where the tear strip begins.

- (5) A wrapper may contain a barcode (and that barcode may take the form of an adhesive label), but only if –
 - (a) the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,
 - (b) the colour of the barcode is –
 - (i) black and white, or

- (ii) Pantone 448 C and white,
- (c) the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,
- (d) the barcode appears only once, and
- (e) the barcode does not appear on that part of the wrapper that covers the front of the container packet, unit packet or aggregation of unit packets.

SCHEDULE 3

Regulation 1(2)

REQUIREMENTS FOR WARNINGS ON TOBACCO PRODUCTS

Combined health warnings on tobacco products for smoking (other than large cigars, individually wrapped cigars and cigarillos).

1. (1) A unit packet and a container packet of a tobacco product for smoking (other than a unit packet or container packet referred to in paragraph 4(1) of Schedule 3) must carry a combined health warning.

(2) A combined health warning must consist of –

(a) one of the 13 text warnings listed in Schedule 5, together with the corresponding colour photograph lodged at the Greffe on behalf of the President of the Committee on the 18th May, 2021 and represented by the image below the text warning, and

(b) the text "Get help to stop smoking at gov.je/help2quit or gov.gg/quittingsmoking".

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

(4) A combined health warning must –

(a) cover at least 65% of the area of each surface on which it appears,

- (b) in the case of a unit packet of cigarettes, not be less than 44 mm high and 52 mm wide,
- (c) appear at the top edge of the surface concerned,
- (d) be positioned in the same direction as any other information on that surface, and
- (e) comply with the general health warning requirements in paragraph 6.

(5) A combined health warning must be reproduced in accordance with the layout, design and proportions specified in the Combined Health Warnings Decision.

(6) For the purpose of this paragraph, a reference in the Combined Health Warnings Decision –

- (a) to a manufacturer or an importer is to be construed as a reference to any person that sells, or offers or exposes for sale, any tobacco product in any packaging, and
- (b) to outside packaging is to be construed as a reference to a container pack.

(7) A reference in this paragraph to the front and back surfaces of a packet is, in relation to a cylindrical packet, a reference to the two opposite halves of the curved surface of the packet that is visible before the packet is opened, if the curved surface is divided equally along a vertical plane.

Range and rotation of combined health warnings.

2. A person that sells, or offers or exposes for sale, unit packets or container packets of a tobacco product for smoking under any brand name must make best endeavours to ensure that each of the colour photographs referred to in paragraph 1(2)(a) is carried on between 1/24 and 1/12 of the total number of unit packets or (as the case may be) container packets of the tobacco product sold, or offered or exposed for sale, under that brand name over any period of 12 months.

General warnings and information messages on tobacco products for smoking (other than large cigars, individually wrapped cigars and cigarillos).

3. (1) A unit packet and any container packet of a tobacco product for smoking (other than a unit packet or container packet referred to in paragraph 4(1)) 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".

(2) Each of the health warnings must –

- (a) cover at least 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 that 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 packet and any container packet, be orientated parallel to the longest edge of the surface on which it appears, and
- (f) comply with the general health warning requirements in paragraph 6.

(3) In the case of a unit packet of cigarettes or a unit packet of hand rolling tobacco that is cuboid in shape (other than a shoulder box) –

- (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 of the pack, and
- (c) each of the health warnings must be at least 20 mm wide and positioned at the bottom edge of the surface on which it appears.

(4) In the case of a unit packet of cigarettes or hand rolling tobacco that is 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 packet is open.

(5) In the case of a unit packet of hand rolling tobacco that 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.

(6) A unit packet of hand rolling tobacco that is 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 ("**the Pouches Decision**").

(7) For the purpose of this paragraph, a reference in the Pouches Decision to "roll-your-own tobacco" is to be construed as a reference to hand rolling tobacco.

(8) In this paragraph, "shoulder box" means a unit packet that is cuboid in shape with a hinged lid that results in the secondary surfaces being split into two when the packet is opened.

Labelling of large cigars and individually wrapped cigars and cigarillos.

4. (1) A unit packet or container packet that contains a single cigar or cigarillo or two or more cigars with a unit weight of more than 3 grams must carry the following health warnings –

(a) the general health warning "Smoking kills – quit now" and the text "Get help to stop smoking at gov.je/help2quit or gov.gg/quittingsmoking." –

(i) on the most visible surface of the pack, and

(ii) subject to subparagraph (2), covering at least 30% of the area of the surface on which it appears, and

(b) one of the text warnings listed in Schedule 6 –

(i) on the next most visible surface of the packet or, if the packet has a hinged lid, the surface that appears when the packet is opened, and

(ii) subject to paragraph (2), covering at least 40% of the area of the surface on which it appears.

(2) If one of the health warnings is to appear on a surface with an area that is greater than 150 square centimetres, the health warning must cover at least 45 square centimetres of that surface.

(3) A person that sells, or offers or exposes for sale, unit packets or container packets of cigars or cigarillos under any brand name must use the person's best endeavours to ensure that each of the text warnings referred to in subparagraph (1)(b) appears on between 1/24 and 1/12 of the total number of unit packets or (as the case may be) container packets of cigars or (as the case may be) cigarillos sold, or offered or exposed for sale, under that brand name over any period of 12 months.

(4) Each of the health warnings must –

- (a) be in black Helvetica bold type on a white background,
- (b) be in a font size that ensures that the text occupies the greatest possible proportion of the surface area reserved for it,
- (c) appear at the centre of that area,
- (d) be parallel to the main text on the surface concerned, and
- (e) comply with the general health warning requirements in paragraph 6.

Health warning on smokeless tobacco products.

5. A unit packet and any container packet of a smokeless tobacco product must carry a health warning consisting of the text "This tobacco product damages your health and is addictive", which must –

- (a) appear on both the front and the back surfaces of the pack,
- (b) cover at least 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 that ensures that the text occupies the greatest possible proportion of the surface area reserved for it,
- (e) appear at the centre of that area,
- (f) be parallel to the main text on the surface concerned, and
- (g) comply with the general health warning requirements.

General health warning requirements.

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

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

(3) A health warning must be –

- (a) in English,
- (b) fully visible,
- (c) indelible,

- (d) irremovably printed,
 - (e) printed on the packet or, in the case of a unit packet of a tobacco product other than cigarettes or hand rolling tobacco in a pouch, printed on an irremovable sticker affixed to the pack, and
 - (f) surrounded by a black border of a width of 1 mm inside the area that is reserved for it.
- (4) 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 packet presented inside a container packet),
 - (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 that is required under any enactment.
- (5) A health warning –
- (a) must remain intact when the packet is opened, or
 - (b) in the case of a unit packet with a flip-top lid, may be split when the packet is opened, but only in a manner

that 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.

SCHEDULE 4

Paragraph 1(3) of Schedule 1

EXCEPTIONS TO COLOUR AND SHADE OF PACKAGING

Application.

1. If there is any conflict between the provisions of any other Schedule to these Regulations and the provisions of this Schedule, the provisions of this Schedule prevail.

Text stating brand name and variant name.

2. The external packaging of a unit packet or container packet of cigarettes or hand rolling tobacco may have text printed on it that states the brand name and variant name of the product, but only if –

- (a) the text does not contain any character which is not alphabetic, numeric or an ampersand,
- (b) the first letter of any word is in upper-case type or lower-case type and the remaining letters are in lower-case type,
- (c) the text is printed in Helvetica font,
- (d) the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (e) the text is in a normal, weighted, regular typeface,
- (f) the brand name is contained within 1 line,

- (g) the variant name is contained within 1 line,
- (h) the variant name appears immediately below the brand name and has the same orientation as it,
- (i) the size of the brand name is no larger than 14 point,
- (j) the size of the variant name is no larger than 10 point,
- (k) in relation to a packet that is not cylindrical in shape or in the form of a pouch, the brand name and variant name appear only, and not more than once, on each of the following surfaces –
 - (i) the front surface of the packet,
 - (ii) one of the smallest surfaces of the packet, and
 - (iii) the other smallest surface of the packet,
- (l) in relation to a packet that is cylindrical in shape, the brand name and variant name appear only, and not more than once, on each of the following surfaces –
 - (i) the front surface of the packet,
 - (ii) the back surface of the packet, and
 - (iii) the lid of the packet,

- (m) in relation to a packet that is in the form of a pouch, the brand name and variant name appear only, and not more than once, on each of the following surfaces –
 - (i) the front surface of the packet,
 - (ii) the back surface of the packet, and
 - (iii) if the pouch takes the form of a rectangular pocket with a flap that covers the opening, the hidden surface of the packet,
- (n) the brand name and variant name are located at the centre of any such surface or, where the surface contains a health warning, at the centre of the area of the surface not taken up by the health warning, and
- (o) the text on any surface that contains a health warning is orientated in accordance with the warning.

Text stating number of cigarettes or weight of tobacco.

3. (1) The external packaging of a unit packet or container packet of cigarettes may have text printed on it that states the number of cigarettes contained in the packet and may be followed by the word "Cigarettes", but only if –

- (a) in relation to a container packet of an aggregation of unit packets, the number so expressed is –
 - (i) the total number of cigarettes in the container packet, or

(ii) the number of unit packets in the container packet multiplied by the number of cigarettes in each unit packet, with the multiplication symbol being expressed as an "x", and

(b) the first letter of the word "Cigarettes" is in upper-case type or lower-case type and the remaining letters in the word are in lower-case type.

(2) The external packaging of a unit packet or container packet of hand rolling tobacco may have text printed on it that states the weight of tobacco in grams contained in the packet and may be followed by the words "Rolling Tobacco" or "Hand Rolling Tobacco", but only if –

(a) in relation to a container packet of an aggregation of unit packets, the weight so expressed is –

(i) the total weight of tobacco in the container packet, or

(ii) the number of unit packets in the container packet multiplied by the weight of tobacco in each unit packet, with the multiplication symbol being expressed as an "x", and

(b) the weight of tobacco is expressed in numeric characters followed by the letter "g".

(3) The text referred to in paragraphs (1) and (2) must also comply with the following –

- (a) the number must be expressed in numeric characters,
- (b) the text is printed in Helvetica font,
- (c) the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (d) the text is in a normal, weighted, regular typeface,
- (e) in relation to a unit packet, the size of the text is no larger than 10 point,
- (f) in relation to a container packet, the size of the text is no larger than 14 point,
- (g) the text appears only once, and
- (h) the text on any surface that contains a health warning is orientated in accordance with the warning.

Text giving details about producer.

4. (1) A unit packet or container packet of cigarettes or hand rolling tobacco may have text printed on its external or internal packaging (but not on both its external and internal packaging) that states all or any of the following –

- (a) the words "The producer's contact details are:",
- (b) the name of the producer,
- (c) the address of the producer,

- (d) the email address of the producer,
 - (e) the telephone number of the producer.
- (2) The text referred to in paragraph (1) must comply with the following –
- (a) the text must not contain any character that is not alphabetic, numeric or an ampersand, although the text of the email address may include an "@",
 - (b) the first letter of any word must be in upper-case type or lower-case type and the remaining letters of the word must be in lower-case type,
 - (c) the text must be printed in Helvetica font,
 - (d) the colour of the text must be –
 - (i) if it appears on the external packaging, Pantone Cool Gray 2 C with a matt finish, or
 - (ii) if it appears on the internal packaging, Pantone Cool Gray 2 C with a matt finish, Pantone 448 C with a matt finish or black with a matt finish,
 - (e) the text must be in a normal, weighted, regular typeface,
 - (f) the size of the text must not be larger than 10 point,
 - (g) the text must appear only once, and

- (h) the text must not appear on the front surface of the unit packet or container packet.

Text about cigarette papers and filters.

5. (1) If a unit packet of hand rolling tobacco includes cigarette papers or filters, or both, the external packaging of the unit packet, and of any container packet in which it is contained, may have printed on it such of the following texts as is applicable –

- (a) "includes cigarette papers and filters",
- (b) "includes cigarette papers", or
- (c) "includes filters".

(2) If a container packet of hand rolling tobacco includes cigarette papers, filters, or both, the external packaging of the container packet may have printed on it such of the following texts as is applicable –

- (a) "includes cigarette papers and filters",
- (b) "includes cigarette papers", or
- (c) "includes filters".

(3) The texts referred to in subparagraphs (1) and (2) must comply with the following –

- (a) the text must be in lower-case type,
- (b) the text must be printed in Helvetica font,

- (c) the colour of the text must be Pantone Cool Gray 2 C with a matt finish,
- (d) the text must be in a normal, weighted, regular typeface,
- (e) the text must appear below any variant name (or, if there is no variant name, below any brand name),
- (f) the size of the text must not be larger than 10 point, and
- (g) the text must appear only once.

Barcodes.

6. The external packaging of a unit packet or container packet of cigarettes or hand rolling tobacco may contain a barcode, but only if –

- (a) the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,
- (b) the colour of the barcode is –
 - (i) black and white, or
 - (ii) Pantone 448 C and white,
- (c) the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,
- (d) the barcode appears only once, and

- (e) the barcode does not appear on the front surface of the unit packet or container packet.

Calibration mark.

7. The external packaging of a unit packet or container packet of cigarettes or hand rolling tobacco may contain a calibration mark, but only if –

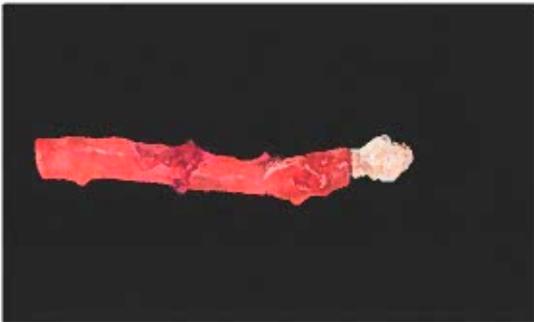
- (a) the calibration mark appears only to the extent necessary for the automated manufacture of the packaging of the product, and
- (b) the calibration mark, if visible or otherwise detectable, is as inconspicuous as possible so far as is consistent with its function in connection with that automated manufacture.

SCHEDULE 5

Paragraph 1(2)(a) of Schedule 3

TEXT WARNINGS AND REPRESENTATIVE IMAGES FOR COMBINED HEALTH
WARNINGS

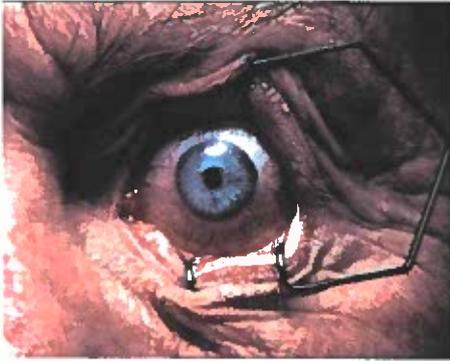
- (1) Smoking clogs your arteries



- (2) Don't let children breathe your smoke



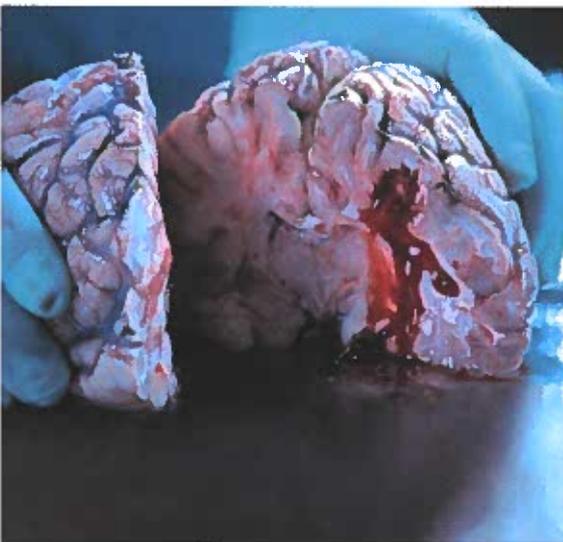
(3) Smoking causes blindness



(4) Smoking causes lung cancer



(5) Smoking doubles your risk of stroke



(6) Tobacco smoke is toxic



(7) Smoking harms unborn babies



(8) Smoking causes peripheral vascular disease



(9) Smoking causes emphysema



(10) Quitting will improve your health



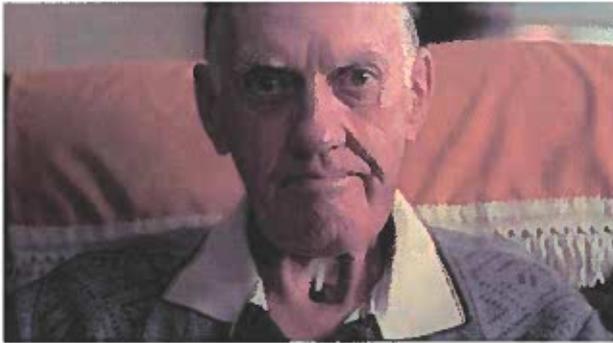
(11) Smoking damages your gums and teeth



(12) Smoking damages your gums and teeth



(13) Smoking causes throat cancer



SCHEDULE 6

Paragraph 4(1)(b) of Schedule 3

TEXT WARNINGS FOR CIGARS AND CIGARILLOS

1. "Smoking causes 9 out of 10 lung cancers".
2. "Smoking causes mouth and throat cancer".
3. "Smoking damages your lungs".
4. "Smoking causes heart attacks".
5. "Smoking causes stroke and disability".
6. "Smoking clogs your arteries".
7. "Smoking increases the risk of blindness".
8. "Smoking damages your teeth and gums".
9. "Smoking can kill your unborn child".
10. "Your smoke harms your children, family and friends".
11. "Smokers' children are more likely to start smoking".
12. "Quit smoking – stay alive for those close to you".
13. "Smoking reduces fertility".

14. "Smoking increases the risk of impotence".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for standardised plain packaging of tobacco products and the use of combined health warnings on tobacco packaging. These Regulations are made under the Tobacco Products (Guernsey) Ordinance, 2014 and the Tobacco Advertising (Guernsey) Law, 1997.

Regulation 1 prohibits the 'sale' of tobacco products in breach of any requirement of Schedule 1 or 2 to these Regulations. "Sale" includes supply, or exposure or possession for supply, in the course of a business, and would include indirect sale (e.g. sale over the internet). Breach of this prohibition is an offence.

Regulation 2 gives effect to the requirements of Schedule 3 to these Regulations as requirements for warnings to be exhibited on the packaging of tobacco products under section 3 of the Tobacco Advertising (Guernsey) Law, 1997. Breach of these requirements is an offence under that Law.

Regulation 3 sets out the penalties for the offences created by regulation 1, including penalties for continuing offences.

Regulation 4 defines "producer" for the purposes of requirements in the Schedules.

Regulation 5 defines expressions used in these Regulations.

Regulation 6 revokes the Tobacco Advertising (Guernsey) Regulations, 2010 and the Tobacco Advertising (Guernsey) (Amendment) Regulations, 2010.

Regulation 7 makes transitional and savings provisions in respect of the sale, or offer or exposure for sale, of any tobacco product in a packet printed before the commencement of these Regulations with a view to complying with the Tobacco Advertising (Guernsey) Regulations, 2010 (as amended). A 'sell-through' period of one year is allowed for cigarettes and hand-rolling tobacco, and two years for other tobacco products.

Regulations 8 and 9 are the citation and commencement provisions respectively.

Schedule 1 sets out requirements relating to the standardised packaging of tobacco products.

Paragraph 1 of Schedule 1 sets out the permitted colour and shade of packaging of cigarettes and hand rolling tobacco. Schedule 4 contain exceptions, which relate to text stating the brand name and variant name, the number of cigarettes or weight of tobacco, details about the producer, (in the case of hand rolling tobacco) text about cigarette papers and filters, bar codes and calibration marks.

Paragraph 2 of Schedule 1 makes provision for the material, shape, opening and contents of an individual packet of cigarettes.

Paragraph 3 of Schedule 1 makes provision for the appearance of cigarettes.

Paragraph 4 of Schedule 1 contains provisions relating to the form of an individual packet of hand rolling tobacco and the weight of the tobacco in it.

Paragraph 5 of Schedule 1 provides that a tobacco product and labelling must not contain certain features or elements that would encourage the use or purchase of the tobacco product, for example by making it resemble a food or cosmetic product,

suggesting it is less harmful than another tobacco product or that it has health or environmental benefits, or suggesting an economic advantage by including discounts.

Paragraph 6 of Schedule 1 provides that packaging of cigarettes and hand rolling tobacco must not make a noise or contain or produce a smell that is not ordinarily associated with packaging for cigarettes or hand rolling tobacco.

Paragraph 7 of Schedule 1 provides that the packaging must not include any features that are designed to change the packaging after sale, such as ink that appears over time or in fluorescent light, removable tabs and slide out panels.

Schedule 2 sets out further requirements relating to the packaging of tobacco products, including requirements relating to the surface of the packet, inserts and linings and wrappers.

Schedule 3 requires tobacco products to carry warnings, including combined health warnings.

Paragraph 1 of Schedule 3 provides for a combined health warning to be used on the front and back of packaging for tobacco products other than large cigars and individually wrapped cigars and cigarillos. The combined health warning consists of a text warning listed in Schedule 5 with the corresponding colour photograph (lodged at the Greffe on behalf of the President of the Committee for Health & Social Care) and represented by the image below the text warning in Schedule 5. The text "Get help to stop smoking at gov.je/help2quit or gov.gg/quittingmoking." is also required. This paragraph sets out technical specifications about the layout of those warnings.

Paragraph 2 of Schedule 3 requires that each of the photographs used in the combined health warnings are carried on between 1/12 and 1/24 of the total number of packs under each brand name over any 12 month period.

Paragraph 3 of Schedule 3 provides for general warnings and information messages that are required on the other surfaces of the packaging.

Paragraph 4 of Schedule 3 provides for the labelling of large cigars and individually wrapped cigars and cigarillos. The labelling must include specified health warnings and a text warning listed in Schedule 6. There are technical specifications for the labelling and layout of these warnings.

Paragraph 5 of Schedule 3 makes provision for the warnings that must appear on packets of smokeless tobacco products.

Paragraph 6 of Schedule 3 sets out additional requirements that apply to health warnings, such as visibility, use of English and that they are irremovably printed.

Schedule 4 sets out exceptions to the requirements in Schedule 1 concerning the colour and shade of packaging of cigarettes and hand rolling tobacco.

Schedule 5 sets out the text warnings and representative images for the combined health warnings required under Schedule 3. These combined health warnings are derived from Australian legislation, and replace the combined health warnings previously derived from EU legislation and set out in the Tobacco Advertising (Guernsey) Regulations, 2010 (as amended).

Schedule 6 lists the text warnings required for packets of cigars and cigarillos under Schedule 3.

These Regulations will come into force on the 31st July, 2021.